

In the Matter of THE JAEGER MACHINE COMPANY and UNITED STEELWORKERS OF AMERICA (CIO)

Case No. 9-R-1459.—Decided July 26, 1944

Mr. George E. Landis, of Columbus, Ohio, and Mr. Thomas Veach, of Cleveland, Ohio, for the Company.

Messrs. Jacob Clayman and Howard N. Porter, of Columbus, Ohio, for the U. S. A.

Miss Ruth Rusch, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, (CIO), herein called the U. S. A., alleging that a question affecting commerce had arisen concerning the representation of employees of The Jaeger Machine Company, Columbus, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before James A. Shaw, Trial Examiner. Said hearing was held at Columbus, Ohio, on June 23, 1944. The Company and the U. S. A. appeared and participated.¹ All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Jaeger Machine Company is an Ohio corporation with its only plant located in Columbus, Ohio. The Company is engaged in making

¹ The International Molders & Foundry Workers Union, A. F. of L., Local 98, also served with notice, did not appear and took no part in the proceedings.

invasion equipment for the United States Armed Services. During 1943, the Company purchased raw materials, which consisted of primary steel plates, sheets and structural steel, steel castings and bars, and gasoline engines and transmissions, amounting to more than \$4,000,000 in value, of which 50 percent was obtained from sources outside the State of Ohio. For the same period, the Company produced finished goods amounting in value to approximately \$7,000,000, of which 50 percent was shipped to points outside the State of Ohio.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On June 2, 1944, the U. S. A. asked the Company for recognition as the bargaining representative of its employees. The Company refused on the ground that a contract with another labor organization was a bar to such recognition.

On April 1, 1942, the Company entered into a bargaining contract with International Molders and Foundry Workers Union of North America, Local '98, herein called the Molders, covering employees in the foundry, but excluding employees in other departments of the plant. The contract provided that it should remain in operation for 1 year and from year to year thereafter unless notice was served by either party upon the other 30 days prior to the end of any contract year. No such notice having been given, the Company contends that the contract is still in force and constitutes a bar to an election at this time.

About November 15, 1942, in order to maintain the production of invasion equipment, the Company discontinued its foundry so that it could enlarge the machine shop. As the foundry work ceased, the Company placed about 25 percent of the foundry workers in its other departments and placed the remaining employees in foundries of other employers in and around Columbus. Since November 15, 1942, the Company has had no meetings or negotiations with any members or officials of the Molders and that organization asserts no interest in representing the employees involved in this proceeding. It is thus evident that the contract is not in effect and that the Company's employees are without a bargaining representative at this time. Under these circumstances, we find that the contract between the Company

and the Molders does not constitute a bar to a present determination of representatives.

A statement of a Field Examiner introduced into evidence at the hearing, indicates that the U. S. A. represents a substantial number of employees in the unit hereinafter found appropriate.²

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

We find in accordance with the stipulation of the parties and the record, that all employees of the Company, excluding guards, engineers, time-study men, expeditors, all clerical, salaried, and confidential employees, and further excluding foremen, assistant foremen, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action,³ constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with The Jaeger Machine Company, Columbus, Ohio, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days

² The Field Examiner reported that the U. S. A. submitted 282 membership cards, bearing dates between October 1943 and May 1944. There are 570 employees in the appropriate unit.

³ At the hearing, the Company and the U. S. A. agreed, and the record shows, that certain hourly-paid set-up men and group leaders in the Company's employ are not supervisory employees and are included in the unit.

from the date of this Direction, under the direction and supervision of the Regional Director for the Ninth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations; among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction; including employees who did not work during the said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by United Steelworkers of America, CIO, for the purposes of collective bargaining.

Mr. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.