

In the Matter of THE CINCINNATI ENGINEERING TOOL COMPANY and
UNITED STEELWORKERS OF AMERICA, DISTRICT 25, C. I. O.

Case No. 9-R-1442.—Decided August 4, 1944

Mr. James G. Manley, of Cincinnati, Ohio, for the Company.

Mr. Joseph C. Conley, of Cincinnati, Ohio, for the Union.

Mr. David V. Easton, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, District 25, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Cincinnati Engineering Tool Company, Cincinnati, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Louis Plost, Trial Examiner. Said hearing was held at Cincinnati, Ohio, on July 6, 1944. The Company and the Union appeared, participated, and 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 Cincinnati Engineering Tool Company, an Ohio corporation with its main office and place located at Cincinnati, Ohio, is engaged in a highly personalized engineering service to industry in that it designs and builds jigs, fixtures, tools, and special attachments for machine tools, and other machinery. In addition, the operations of the Company include the repairing and rebuilding of machinery as a maintenance service for manufacturing establishments, and the Company is frequently called upon to make special parts when factory de-

livery of such parts would entail a long idle period. During the past year the Company purchased raw materials consisting principally of iron, steel, and non-ferrous metals valued at approximately \$18,000, of which about 89 percent was purchased from concerns located in Cincinnati, Ohio. During the same period sales of the Company amounted to \$211,088.14, of which approximately 2.6 percent was shipped to points outside the State of Ohio. Forty percent of the Company's business during 1943 was done with firms such as Crosley Corporation, Cincinnati Milling Machine Company, Corcoran-Brown Lamp Division of Electric Autolite Company, Lodge and Shipley Machine Tool Company, and Lunkenheimer Company, concerns whose operations the Board has found, in prior cases, affect interstate commerce. Furthermore, the Company is now engaged in performing services for Timpkin Axle Company, Logansport Machine Company, Chevrolet Company, and The Research Corporation, all of which are located outside the State of Ohio. The Company admits that it is engaged in work in furtherance of the national war effort.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.¹

II. THE ORGANIZATION INVOLVED

United Steelworkers of America, District 25, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the representative of its employees until the Union has been certified by the Board.

A statement of a Field Examiner for the Board, introduced into evidence at the hearing, indicates that the Union 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

In substantial accordance with a stipulation of the parties made at the hearing, we find that all production and maintenance employees

¹ See *N. L. R. B. v. Fambblatt*, 306 U. S. 601, 606, 607, 608. See also *Matter of Adolph Spalek, etc.*, 45 N. L. R. B. 1272.

² The Field Examiner reported that the Union submitted 21 designations and that the alleged appropriate unit contained 25 employees.

of the Company at its Cincinnati, Ohio, plant, excluding clerical employees, 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, 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 Cincinnati Engineering Tool Company, Cincinnati, Ohio, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days 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 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, District 25, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.