

In the Matter of SCREW CONVEYOR CORPORATION and UNITED STEEL-  
WORKERS OF AMERICA, CIO

*Case No. 13-R-2507.—Decided August 4, 1944*

*Mr. John Harrington*, of Chicago, Ill., for the Company.  
*Messrs. Lester H. Thornton*, and *Nick Migas*, of East Chicago, Ind.,  
for the Union.

*Mr. Philip Licari*, 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 Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Screw Conveyor Corporation, Hammond, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Frank M. Kleiler, Trial Examiner. Said hearing was held at Chicago, Illinois, on July 14, 1944. The Company and the Union appeared and participated. 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

Screw Conveyor Corporation, an Illinois corporation, is engaged at Hammond, Indiana, in the manufacture of conveying and elevating machinery. During the first 6 months of 1944, the Company purchased raw materials valued at more than \$50,000, of which 30 percent was purchased from points outside the State of Indiana. In the

same period, the Company sold finished goods valued at approximately \$75,000, of which 75 percent was shipped to points outside the State of Indiana.

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 9, 1944, the Union sought recognition from the Company as the exclusive bargaining representative of its production and maintenance employees. On June 14, 1944, the Company declined to recognize the Union.

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.<sup>1</sup>

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

The Company and the Union agree upon the composition of the appropriate unit, except that the Union would include foremen, whereas the Company would exclude them on the asserted ground that they are supervisory employees.

Foremen have authority to discipline employees working under them, and to make effective recommendations concerning changes in their status. Consequently, we shall exclude foremen from the appropriate unit.

We find, in substantial accordance with the agreement of the parties, and our foregoing determination relating to foremen, that all production and maintenance employees of the Company, including watchmen,<sup>2</sup> shipping clerks, and group leaders,<sup>3</sup> but excluding office employees, the clerk and the errand boy assigned to the office of the

<sup>1</sup> The Field Examiner reported that the Union submitted 85 authorization cards dated as follows: 2—May 1944; 75—June 1944; and 8 undated. He further reported that there were approximately 90 employees in the unit alleged to be appropriate.

<sup>2</sup> Watchmen employed by the Company are not militarized.

<sup>3</sup> It is clear that group leaders are not supervisory employees within the meaning of our customary definition.

plant superintendent, 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 Screw Conveyor Corporation, Hammond, Indiana, 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 Thirteenth 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, 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.