

In the Matter of CURTISS-WRIGHT CORPORATION AIRPLANE DIVISION
and AMERICAN FEDERATION OF LABOR AND ITS AFFILIATED INTERNA-
TIONAL UNIONS .

Case No. 14-R-973.—Decided August 7, 1944

Willson, Cunningham, & McClellan, by *Mr. J. H. Cunningham, Jr.*,
of St. Louis, Mo., for the Company.

*Messrs. E. P. Tice, John F. Gamble, Ralph Wilson, and Jesse K.
Keller, Mrs. Mary Ryder, and Miss Ethel Taylor*, all of St. Louis, Mo.,
for the Union.

Miss Ruth Rusch, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by American Federation of Labor and Its Affiliated International Unions, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Curtiss-Wright Corporation Airplane Division, Lambert Field, Robertson, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Keith W. Blinn, Trial Examiner. Said hearing was held at St. Louis, Missouri, on June 28, 1944. The Company and the Union 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.

¹ International Association of Machinists, also served with notice, appeared and disclaimed all interest in the proceedings.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Curtiss-Wright Corporation Airplane Division is a Delaware corporation engaged in the manufacture of airplanes and airplane parts at its St. Louis plant. During 1943, the Company purchased raw materials including aluminum, steel, rubber, and glass, amounting to more than \$7,000,000 in value, of which 90 percent was obtained from sources outside the State of Missouri. For the same period, the Company manufactured, sold, and distributed finished products amounting in value to \$10,000,000, of which all was turned over to the United States Army and thereafter shipped in interstate commerce.

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

II. THE ORGANIZATION INVOLVED

American Federation of Labor is a labor organization admitting to membership employees of the Company.²

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its cafeteria employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.³

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.

² The Company denies that the petitioner is a labor organization, asserting that it is actually a number of unidentified labor organizations, international unions affiliated with the American Federation of Labor, herein called the A. F. L. We find merit in the Company's objection to the failure of the petition to identify with sufficient certainty for purposes of certification any labor organizations, other than the A. F. L. itself, on whose behalf the petition was filed. As we have found, however, the A. F. L. is unquestionably a labor organization capable of representing the employees in the appropriate unit, and the Company's objection is obviated by our determination in Section V, *infra*.

³ The Field Examiner reported that the Union submitted 137 authorization cards, 117 of which bore the names of persons listed on the Company's pay roll of May 8, 1944, which listed the names of 165 employees in the appropriate unit. There were 91 cards dated April 1944, 23 dated May 1944, and 3 undated.

IV. THE APPROPRIATE UNIT

We find, in accordance with the stipulation of the parties and the record, that all cafeteria employees of the Company at its Lambert Field operations, but excluding dietitians, clerks, and all supervisory employees, with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action,⁴ 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.

Although the Union requested that it be designated on the ballot as American Federation of Labor and Its Affiliated International Unions, the Company objected, asserting that such a designation is too indefinite, and that it is entitled to know specifically with whom it may have the duty to bargain. We are of the opinion that the requested designation is too indefinite for purposes of certification. We shall, therefore, designate the Union on the ballot as American Federation of Labor.⁵

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 Curtiss-Wright Corporation Airplane Division, Lambert Field, Robertson, Missouri, 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 Fourteenth Region, acting in this matter as agent for the National Labor

⁴ At the hearing, the Company and the Union agreed, and the record shows, that certain hourly paid employees, who act as group leaders during the rush period, are not supervisory employees. We shall include such employees in the unit.

⁵ *Matter of Duke Manufacturing Company*, 53 N. L. R. B. 1239.

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 American Federation of Labor for the purposes of collective bargaining.

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