

In the Matter of A. O. SMITH CORPORATION, UNION CITY PLANT and
INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 36 and
INTERNATIONAL BROTHERHOOD OF FIREMEN AND OILERS, LOCAL 48

Case No. 18-RE-13.—Decided August 17, 1944

Messrs. F. A. Mancina and John Nash, of St. Paul Minn., for the
Company.

Mr. S. Robins, of Minneapolis, Minn., and *Messrs. Herbert M.
Dupaul and Arthur Ahlberg*, of St. Paul, Minn., for the Engineers.

Mr. Walter Genereaux, of St. Paul, Minn., for the Firemen.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by A. O. Smith Corporation, Union City Plant, St. Paul, Minnesota, herein called the Company, allèging that a question affecting commerce had arisen concerning the representation of employees of the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stephen M. Reynolds, Trial Examiner. Said hearing was held at Minneapolis, Minnesota, on May 29, 1944. The Company, International Union of Operating Engineers, Local 36, herein called the Engineers, and International Brotherhood of Firemen and Oilers, Local 48, herein called the Firemen, 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 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

A. O. Smith Corporation is a New York corporation operating a plant at St. Paul, Minnesota, known as the Union City Plant, where

57 N. L. R. B., No. 215.

it is engaged in the manufacture of aircraft propeller parts. The Company purchases for use at its Union City Plant raw materials valued at about \$210,000, monthly from points outside the State of Minnesota. During the same monthly periods the Company sells products from its Union City Plant valued at about \$550,000, all of which is shipped to points outside the State of Minnesota.

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

II. THE ORGANIZATIONS INVOLVED

International Union of Operating Engineers, Local 36 and International Brotherhood of Firemen and Oilers, Local 48, are labor organizations affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On January 1 and May 1, 1944, respectively, the Firemen and the Engineers requested the Company to recognize them as exclusive collective bargaining representative of certain employees at the Union City Plant. The Company refused these requests until one or the other is certified by the Board.

A statement of a Field Examiner of the Board introduced into evidence at the hearing, indicates that the Engineers represents a substantial number of employees in the unit hereinafter found appropriate.¹

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, substantially in agreement with a stipulation of the parties, that all employees in the Power and Service Department at the Union City Plant of the Company, excluding the chief engineers 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, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

¹The Field Examiner reported that the Engineers presented 12 authorization cards bearing names of employees on the April 30, 1944, pay roll of the Company. He further reported that the Firemen presented 2 cards bearing apparently genuine signatures of persons on that pay roll. There are approximately 12 employees in the appropriate unit.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of 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 A. O. Smith Corporation, Union City Plant, St. Paul, Minnesota, 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 Eighteenth 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 any 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 they desire to be represented by International Union of Operating Engineers, Local 36, A. F. of L., or International Brotherhood of Firemen and Oilers, Local 48, A. F. of L., for the purposes of collective bargaining or by neither.

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