

In the Matter of ASSOCIATED SPRING CORPORATION and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL 712 (C. I. O.)

Case No. 1-R-1956.—Decided August 23, 1944

Messrs. Ernest L. Goff and Samuel R. Mink, both of Bristol, Conn., for the Company.

Grant & Angoff, by *Mr. Harold B. Roitman*, of Boston, Mass., 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 International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, Local 712 (C. I. O.), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Associated Spring Corporation, Bristol, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Leo J. Halloran, Trial Examiner. Said hearing was held at Bristol, Connecticut, on July 25, 1944. The Company and the Union appeared,¹ participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. At the hearing the Company made an objection which was construed as a motion to dismiss, disposition of which the Trial Examiner reserved for the Board. For reasons hereinafter set forth in Section III, the motion is denied. 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:

¹ A representative of Independent Order of the Associated Spring Corporation appeared at the hearing, but stated on the record that the organization which he represented did not desire to participate in the proceeding.

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FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Associated Spring Corporation, a Delaware corporation, operates divisions at Chicago, Illinois; Ann Arbor, Michigan; Corry, Pennsylvania; Detroit, Michigan; and Bristol, Connecticut. We are concerned in this proceeding with three of its Bristol, Connecticut, divisions, namely, F. N. Manross & Son, Dunbar Bros., and Wallace Barnes Co., hereinafter referred to collectively as the Bristol Division, which are engaged in the manufacture of springs. The principal raw materials used by the Company at its Bristol Division consist of steel, bronze, copper, beryllium, and certain other materials, including flat spring steel and round wire. The Company expends annually more than \$1,000,000 for raw materials used at the Bristol Division, practically all of which are shipped thereto from points outside the State of Connecticut. During the year 1943, the Company manufactured finished products at the Bristol Division valued in excess of \$5,000,000, over 50 percent of which was shipped to points outside the State of Connecticut.

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

II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, Local 712, 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 exclusive bargaining representative of certain 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

² The Field Examiner reported that the Union submitted 759 designations and that there were 1479 employees in the unit which it proposed as appropriate. He further reported that 517 of these designations were dated between February and July 1944. The Company made the contention that no election should be held at this time inasmuch as the Union was rejected as collective bargaining agent at an election held on January 27, 1944, among the employees whom it presently seeks to represent. We find this contention to be without merit in view of the additional designations procured by the Union subsequent to the date of that election. See *Matter of Wagner Electric Corporation*, 53 N. L. R. B. 543.

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

Substantially in accordance with an agreement of the parties at the hearing, we find that all production and maintenance employees of the Company at the Bristol Division (more particularly defined as F. N. Manross & Son, Dunbar Bros., and Wallace Barnes Co. divisions), including shipping and receiving employees, non-supervisory set-up men, and inspectors (not including master inspectors), but excluding employees of the Forrestville Rolling Mill, office and clerical employees at the main office and factory offices, draftsmen, and other technical employees, guards, watchmen, master inspectors, supervisory set-up men, 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.³

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in 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 Associated Spring Corporation, Bristol, Connecticut, 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 First Region, acting in this matter as agent for the National Labor Relations Board, and subject to Ar-

³ The Union requested at the hearing that it be designated on the ballot as "International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, Local 712 (CIO)." This request is hereby granted.

ticle 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 International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, Local 712 (CIO), for the purposes of collective bargaining.

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