

In the Matter of BOHN ALUMINUM AND BRASS CORPORATION (PLANTS #13 AND MAGNESIUM FABRICATORS) and MECHANICS EDUCATIONAL SOCIETY OF AMERICA, LOCAL 43 (CUA)

*Case No. 7-R-1752.—Decided August 29, 1944*

*Mr. C. F. Squires*, of Detroit, Mich., for the Company.

*Mr. Karl E. Pauli*, of Adrian, Mich., for MESA.

*Messrs. George Baker and Robert MacLean*, of Adrian, Mich., for the C. I. O.

*Mr. Joseph C. Wells*, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Mechanics Educational Society of America, Local 43 (CUA), herein called the MESA, alleging that a question affecting commerce had arisen concerning the representation of employees of Bohn Aluminum and Brass Corporation (Plants #13 and Magnesium Fabricators) Adrian, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert J. Wiener, Trial Examiner. Said hearing was held at Adrian, Michigan, on June 21, 1944. The Company, MESA, and International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local 525 (UAW-CIO), herein called the CIO, 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

Bohn Aluminum and Brass Corporation is a Michigan corporation having its principal offices in Detroit, Michigan. The Company  
57 N. L. R. B., No. 279.

operates three plants at Adrian, Michigan, where it is engaged in fabricating magnesium products. We are concerned here with two of these plants, known as Plant #13 and Magnesium Fabricators Plant. The raw materials shipped to these two plants from points outside the State of Michigan, and the finished products shipped from these two plants to points outside the State, respectively, have a total value in excess of \$825,000, per month.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATIONS INVOLVED

Mechanics Educational Society of America, Local 43, affiliated with the Confederated Unions of America, is a labor organization admitting to membership employees of the Company.

International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local 525, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

## III. THE ALLEGED QUESTION CONCERNING REPRESENTATION

On December 8, 1943, as the result of an election conducted by the Board, the Board certified the C. I. O. as the exclusive representative of all plant-protection employees at Plant #13 and the Magnesium Fabricators Plant. On or about January 1, 1944, the CIO submitted to the Company a proposed contract covering wages and working conditions of the plant-protection employees at these two plants and also of the plant-protection employees at the Company's Plant #24.<sup>1</sup> About the middle of February 1944, the Company advised that it would deal with the CIO only on the understanding that there would be separate negotiations and contracts for each of the two bargaining units. Meetings between the representatives of the Company and the CIO occurred on about March 1 and March 24, 1944. At the March 24 meeting the Company took the position that at present, it would only negotiate with respect to the plant-protection employees at Plant #24, and that discussions relative to the employees involved in the instant proceeding must be postponed until a contract could be executed covering the employees at Plant #24. Immediately following this meeting, all of the plant-protection employees then employed at Plant #13 and the Magnesium Fabricators Plant signed a letter, wherein they advised the Company that they had withdrawn their memberships

<sup>1</sup> In the Decision and Direction of Elections, *Matter of Bohn Aluminum and Brass Corporation*, 53 N. L. R. B. 231, the Board, in accordance with an agreement between the Company and the CIO, found the plant-protection employees at Plant #24 to constitute a separate appropriate bargaining unit.

from the CIO. Shortly thereafter, MESA requested the Company to recognize it as the bargaining representative of these employees,<sup>2</sup> and the Company refused. Thereafter, approximately 4½ months subsequent to the Board's certification of the CIO, MESA petitioned the Board, claiming to represent the plant-protection employees at Plant #13 and the Magnesium Fabricators Plant.<sup>3</sup>

We are of the opinion that the certification of a bargaining representative by the Board must be effective for a reasonable length of time, which, absent unusual circumstances, the Board customarily deems to be 1 year,<sup>4</sup> and that the best evidence of the employees' desires during that period is their expression in the election pursuant to which the certification was issued. When employees resort to the administrative processes of the Act, it is only reasonable to require that the resultant registering of their choice of a bargaining agent not be made subject to immediate or capricious changes in sentiment. To hold otherwise would not only subject the Board to undue administrative difficulties, but would lead to the establishment of conditions destructive of stability in labor relations. Accordingly, we shall dismiss the petition filed herein.

#### ORDER

Upon the basis of the foregoing findings of fact, and upon the entire record of the case, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Bohn Aluminum and Brass Corporation (Plants #13 and Magnesium Fabricators), Adrian, Michigan, filed by the Mechanics Educational Society of America, Local 43, affiliated with the Confederated Unions of America, be, and it hereby is dismissed.

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

<sup>2</sup> Meanwhile, on February 29, 1944, an election had been held among the production and maintenance employees at Plant #13 and Magnesium Fabricators Plant to determine whether those employees should be represented by the CIO, MESA, or neither. MESA won this election.

<sup>3</sup> The Regional Director reported that MESA submitted 10 authorization cards bearing apparently genuine signatures and dated either March 27 or 28, 1944; that the signatures appearing on the cards were the names of 10 employees listed on the Company's March 24, 1944, pay roll, which contained 11 names; and that the signatures on 9 of the cards were the names of employees listed on the Company's June 1, 1944, pay roll, which contained only 9 names.

<sup>4</sup> *Matter of Aluminum Company of America, Newark Works*, Case No. 57 N. L. R. B. 913.