

In the Matter of THE B. F. GOODRICH COMPANY, OAKS, PA., PLANT and  
UNITED RUBBER WORKERS OF AMERICA, AFFILIATED WITH THE CON-  
GRESS OF INDUSTRIAL ORGANIZATIONS

*Case No. 4-R-1487.—Decided August 30, 1944*

*Mr. C. D. Russell*, of Akron, Ohio, and *Mr. J. F. Sweatt*, of Oaks, Pa.,  
for the Company.

*Rothbard, Greenstone, Harris and Talisman*, by *Mr. Bernard  
Cherny*, of Newark, N. J., and *Mr. O. H. Bosley*, of Newark, N. J., for  
the Union.

*Mr. Seymour J. Spelman*, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Rubber Workers of America, affiliated with the Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The B. F. Goodrich Company, Oaks, Pa., Plant, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene Purver, Trial Examiner. Said hearing was held at Norristown, Pennsylvania, on August 2, 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

The B. F. Goodrich Company, a New York corporation with its principal place of business at Akron, Ohio, is engaged in the manu-

facture of automobile tires and tubes at plants throughout the United States. We are concerned herein solely with its plant at Oaks, Pennsylvania. Approximately 80 percent of the raw materials used at the Oaks, Pennsylvania, plant, is shipped from points outside the Commonwealth of Pennsylvania, and in excess of 50 percent of the finished product is shipped to points outside the Commonwealth of Pennsylvania.

The Company concedes, and we find, that it is engaged in commerce at its Oaks, Pennsylvania, plant, within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

United Rubber Workers 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

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

A statement of a Board agent, 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

We find, in accordance with the stipulation of the parties, that all production and maintenance employees of The B. F. Goodrich Company at its Oaks, Pennsylvania, plant, excluding office and clerical employees, floor foremen, and all or any 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 THE REPRESENTATIVES

We find that the question concerning representation which has arisen can be resolved by means of an election by secret ballot. The Com-

<sup>1</sup> The Field Examiner reported that the Union submitted 395 application cards, which, except for 32 undated cards, bore dates in May, June and July 1944; and that there are approximately 691 employees in the unit hereinafter found appropriate.

pany urges that all employees within the appropriate unit who are in the armed forces of the United States be permitted to vote by mail. Since, as we fully stated in *Matter of Mine Safety Appliances Co., Callery Plant, Callery, Pennsylvania*, 55 N. L. R. B. 1190, it is administratively impracticable to provide for mail balloting of employees on military leave who are unable to appear at the polls and since a safeguard has been established for their interests, only those employees in the armed forces of the United States who present themselves in person at the polls will be permitted to vote.

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 The B. F. Goodrich Company, Oaks, Pennsylvania, 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 Fourth 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 Rubber Workers 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.