

In the Matter of PARAGON DIE CASTING COMPANY *and* CASTING DIVISION
OF THE INTERNATIONAL UNION, MINE, MILL AND SMELTER WORKERS,
C. I. O.

Case No. 13-R-2466.—Decided July 1, 1944

Mr. Otto A. Jaburek; of Chicago, Ill., for the Company.

Mr. A. C. Skinner, of Chicago, Ill., for the C. I. O.

Mr. M. F. Darling, of Chicago, Ill., for the A. F. L.

Mr. Jack Mantel, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Casting Division of the International Union, Mine, Mill and Smelter Workers, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Paragon Die Casting Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Gustaf B. Erickson, Trial Examiner. Said hearing was held at Chicago, Illinois, on June 13, 1944. During the hearing, the Trial Examiner granted a motion to intervene, filed by Local B-1031, International Brotherhood of Electrical Workers, A. F. of L., herein called the A. F. L. The Company, the C. I. O., and the A. F. L. 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

Paragon Die Casting Company, an Illinois corporation, has its sole plant and principal office in Chicago, Illinois, where it is engaged in the manufacture and sale of zinc and aluminum die castings. During

the year ending February 1944, the Company purchased raw materials valued at \$465,000, the major portion of which was shipped to its plant from points outside the State of Illinois. During the same period, the total sales of finished products amounted in value to approximately \$1,200,000; of these sales 60 percent represented shipments to points outside the State of Illinois.

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

II. THE ORGANIZATIONS INVOLVED

Casting Division of the International Union, Mine, Mill and Smelter Workers, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

Local B-1031, International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, 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 C. I. O. as the exclusive bargaining representative of the employees of the Company, until the C. I. O. 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 C. I. O. 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 in substantial accordance with the agreement of the C. I. O. and A. F. L.,² that all production and maintenance employees, including working foremen³ and watchmen, but excluding office and factory clerical employees, engineering department employees, superintendents, and executives, and all other supervisory employees with authority

¹ The Board agent reported that the C. I. O. submitted 156 authorization cards, that the names of 151 persons appearing on the cards were listed on the Company's pay roll of June 3, 1944, which contained the names of 275 employees in the appropriate unit, and that 117 cards were dated between April and May 1944, and that 39 were undated.

The Board agent further reported that the A. F. L. submitted 40 authorization cards; that the names of 39 persons appearing on the cards were contained in the aforesaid pay roll; and that 5 cards were dated May 1944, and that 35 were undated.

² The Company took no position with respect to the appropriate unit.

³ The record reveals that the working foremen have no supervisory authority within our customary definition.

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 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. The A. F. L. requested that its name appear on the ballot as "A. F. of L." This request is hereby denied, since such designation might be misleading to the voters.

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, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Paragon Die Casting Company, Chicago, Illinois, 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 Thirteenth 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 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 they desire to be represented by Casting Division of the International Union, Mine, Mill, and Smelter Workers, affiliated with the Congress of Industrial Organizations, or by Local B-1031, International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.