

In the Matter of W. A. RIDDELL CORPORATION¹ and UNITED MINE
WORKERS OF AMERICA, DISTRICT 50

Case No. 8-R-1621.—Decided September 18, 1944

Strelitz, Dowler & Wiedeman, by *Mr. Frank Wiedeman*, of Marion, Ohio, and *Mr. Clark T. McConnell*, of Bucyrus, Ohio, for the Company.

Mr. Stanley Denlinger, of Akron Ohio, and *Messrs. Everett Weaver, Walter E. Mackey, and Harold Moon*, of Bucyrus, Ohio, for the U. M. W. A.

Messrs. Jacob Clayman and Howard N. Porter, of Columbus, Ohio, and *Mr. Henry Johnson*, of Marion, Ohio, for the C. I. O.

Miss Ruth Rusch, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Mine Workers of America, District 50, herein called the U. M. W. A., alleging that a question affecting commerce had arisen concerning the representation of employees of W. A. Riddell Corporation, Bucyrus, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William O. Murdock, Trial Examiner. Said hearing was held at Bucyrus, Ohio, on August 23, 1944. The Company, the U. M. W. A., and United Steelworkers of America (CIO), herein called the C. I. O., appeared and participated.² 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.

¹ All parties agreed that the name of the Company be amended to read as set forth above.

² At the beginning of the hearing, the Trial Examiner granted a motion to intervene by the C. I. O.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company is an Ohio corporation with its principal place of business located in Bucyrus, Ohio, where it is engaged in the manufacture of road machinery, ceramic making machinery, and marine dock machinery. During the last 6 months, the Company purchased raw materials, consisting of steel, grey iron castings, steel castings, and bronze, amounting to \$1,000,000 in value, of which 60 percent came from sources outside the State of Ohio. For the same period, the finished products of the Company amounted to approximately \$1,500,000 in value, of which more than 90 percent was shipped to points outside the State of Ohio.

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

II. THE ORGANIZATIONS INVOLVED

United Mine Workers of America, District 50, is a labor organization admitting to membership employees of the Company.

United Steelworkers of America 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 U. M. W. A. as the exclusive bargaining representative of its production and maintenance employees until the U. M. W. A. has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that the U. M. W. A. represents a substantial number of employees in the unit hereinafter found appropriate.³

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.

³ The Field Examiner reported that the U. M. W. A. submitted 88 authorization cards, 80 of which bore the names of persons appearing on the Company's pay roll, which contained the names of 127 employees in the appropriate unit. There were 17 cards dated in August and 63 were dated in July 1944.

The C. I. O. submitted 26 authorization cards. The names of 24 persons appearing on the cards were contained in the aforesaid pay roll. There were 18 cards dated in August 1944, 3 dated in July 1944, and 3 were dated in June 1944.

IV. THE APPROPRIATE UNIT

We find, in accordance with the stipulation of the parties and the record, that all maintenance and production employees of the Company's Bucyrus, Ohio, plant, including part-time employees, truck drivers, and watchmen, but excluding timekeepers, office and clerical employees, 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.

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.

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 W. A. Riddell Corporation, Bucyrus, Ohio, 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 Eighth 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 they desire to be represented by United Mine Workers of America, District 50, or by United Steelworkers of America (CIO), for the purposes of collective bargaining, or by neither.