

In the Matter of NATIONAL FARM MACHINERY CO-OPERATIVE, INC. and
INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT 90, A. F. OF L.

Case No. 9-R-1523.—Decided September 18, 1944

Mr. Wilbur F. Pell, of Shelbyville, Ind., for the Company.

Mr. D. J. Omer, of Cincinnati, Ohio, for the Union.

Miss Ruth Rusch, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, District 90, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of National Farm Machinery Co-operative, Inc., Shelbyville, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Benjamin E. Cook, Trial Examiner. Said hearing was held at Shelbyville, Indiana, on August 22, 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 Company is an Indiana corporation with its office, plant, and warehouse located in Shelbyville, Indiana, where it is engaged in the manufacture of farm machinery. During the past year, the Company purchased raw materials, consisting of steel and iron castings and amounting to more than \$50,000 in value, which were shipped from

sources outside the State of Indiana. Approximately 10 percent of the Company's products is sold to the armed forces of the United States. In the course of a year, 85 percent of the Company's finished products, which are valued in excess of \$50,000, is shipped outside the State of Indiana.

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

II. THE ORGANIZATION INVOLVED

International Association of Machinists, District 90, is a labor organization affiliated with the American Federation of Labor, 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 its production and maintenance employees until the Union 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 Union 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 accordance with the stipulation of the parties and the record, that all production and maintenance employees at the Company's plant in Shelbyville, Indiana, including inspectors, stockkeepers, and watchmen, but excluding office, temporary, and Engineering Department employees, timekeepers, foremen, 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 purpose 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 em-

¹ The Field Examiner reported that the Union submitted 34 authorization cards, 30 of which bore the names of persons listed on the Company's pay roll of July 29, 1944, which contained the names of 71 employees in the appropriate unit. All the cards were dated in June 1944.

ployees 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 National Farm Machinery Co-operative, Inc., Shelbyville, Indiana, 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 Ninth 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 re-hired or reinstated prior to the date of the election to determine whether or not they desire to be represented by International Association of Machinists, A. F. of L., for the purposes of collective bargaining.