

In the Matter of CONSOLIDATED VULTEE AIRCRAFT CORPORATION, TUCSON DIVISION *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, AERONAUTICAL MECHANICS LOCAL LODGE No. 1174, A. F. OF L.

Case No. 21-R-2431.—Decided September 19, 1944

Mr. Robert B. Watts, of San Diego, Calif., for the Company.

Mr. E. R. White, of Los Angeles, Calif., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Association of Machinists, Aeronautical Mechanics Local Lodge No. 1174, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Consolidated Vultee Aircraft Corporation, Tucson, Arizona, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Maurice J. Nicoson, Trial Examiner. Said hearing was held at Los Angeles, California on August 8, 1944. The Company and the Union appeared, participated, and 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 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

Consolidated Vultee Aircraft Corporation is a Delaware corporation engaged in the design, manufacture, development and sale of aircraft, aircraft parts and accessories at San Diego, California. We are here concerned with its Tucson Division at Tucson, Arizona, where it

is engaged in the modification of completed aircraft. During its fiscal year ending November 30, 1943, the Company purchased raw materials valued in excess of \$5,000,000, over 50 percent of which was shipped to it from points outside the State of California. During the same period the company sold products valued in excess of \$95,000,000, substantially all of which was shipped to points outside the State of California.

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, Aeronautical Mechanics Local Lodge No. 1174, 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 refuses to recognize the Union as the exclusive collective bargaining representative of the employees involved herein until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, 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 National Labor Relations Act.

IV. THE APPROPRIATE UNIT

We find, in substantial agreement with a stipulation of the parties, that all firemen at the Tucson, Arizona, plant of the Company, excluding fire chiefs, fire captains, fire lieutenants, fire engineers, and 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 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

¹ The Field Examiner reported that the Union presented 22 authorization cards. There are approximately 39 employees in the appropriate unit.

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 Union filed charges of unfair labor practices against the Company during June 1944. On July 25, 1944, the charges were settled by agreement of all parties. The settlement provided that the Company post notices for a period of sixty (60) days. The Company urges that no election be held until the sixty (60) day period has elapsed. Since the Union has filed a waiver of its charges for the purpose of this proceeding and since the posting period is now almost completed, it seems unnecessary to delay the holding of the election.

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 Consolidated Vultee Aircraft Corporation, Tucson, Arizona, 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 Twenty-first 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 any 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 International Association of Machinists, Aeronautical Mechanics Local Lodge No. 1174, A. F. of L., for the purposes of collective bargaining.