

In the Matter of FLINT DIE AND TOOL COMPANY *and* INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW-CIO

Case No. 7-R-1817.—Decided September 20, 1944

Mr. Guy W. Selby, of Flint, Mich., for the Company.

Mr. Hans Larson, of Flint, Mich., 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 Union, United Automobile, Aircraft and Agricultural Implement Workers of America UAW-CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Flint Die and Tool Company, Flint, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert J. Weiner, Trial Examiner. Said hearing was held at Flint, Michigan, on August 18, 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

Flint Die and Tool Company is a Michigan corporation with its principal place of business at Flint, Michigan, where it is engaged in the design, manufacture, sale and repair of tools; dies, jigs, and fixtures. During 1943 the Company purchased materials valued at

about \$33,000, about 2 percent of which was shipped to it from points outside the State of Michigan. During the same period the Company sold goods valued at about \$274,000, all of which were shipped to automobile and aircraft plants producing goods for commerce.

We find that the business of the Company affects commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft and Agricultural Implement Workers 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

During July 1944 the Union requested the Company to recognize it as exclusive collective bargaining representative of the Company's employees. The Company refused this request.

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 to be 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 a stipulation of the parties, that all employees of the Company, excluding clerical employees and 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 find that the question concerning representation which has arisen can best be resolved by means of an election by secret ballot. Between August 3 and August 18 the Company laid off all the employees in the appropriate unit. Although the Company stated at the hearing that it had gone out of business and that it contemplated

¹ The Field Examiner reported that the Union presented 12 membership application cards bearing the names of persons who appear on the Company's pay roll of August 3, 1944. There are approximately 22 employees in the appropriate unit.

dissolving, no steps toward dissolution have been taken. Under the circumstances, we find that an election in the immediate future is proper. We shall direct that the employees eligible to vote in the election shall be those who were employed during the pay-roll period of August 3, 1944, the last pay roll containing a full complement of employees, 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 Flint Die and Tool Company, Flint, Michigan, 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 Seventh 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 of August 3, 1944, 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 Union, United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.