

In the Matter of THE CRAWFORD STEEL FOUNDRY COMPANY and UNITED  
STEELWORKERS OF AMERICA, C. I. O.

*Case No. 8-R-1602.—Decided September 20, 1944*

*Messrs. Samuel McClure and Ira F. Clary, of Bucyrus, Ohio, for the Company.*

*Mr. Jacob Clayman, of Columbus, Ohio, for the C. I. O.*

*Mr. Stanley Denlinger, of Akron, Ohio, for District 50.*

*Mr. Thomas A. Ricci, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of The Crawford Steel Foundry Company,<sup>1</sup> 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 C. I. O., and United Mine Workers of America, District 50, herein called District 50, 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. At the hearing District 50 moved to dismiss the petition. The Trial Examiner referred the motion to the Board for determination. The motion is denied.<sup>2</sup> The Trial Examiner's rulings made at the

<sup>1</sup> At the hearing the Company's name was amended to read as set forth above.

<sup>2</sup> District 50 urged that the petition be dismissed because the C. I. O. failed to state therein that District 50 claimed to represent employees in the alleged appropriate unit, although this information was required to be set forth in the petition and the C. I. O. allegedly was aware of District 50's interest. District 50 appeared at and participated in the hearing. Thus it cannot be said that any prejudice resulted. While we do not condone any act of fraud or deception, we shall not permit a purported misrepresentation, which has not materially affected the interest of any party to a proceeding before us, to defeat the right of employees under the Act to designate representatives of their own choosing. *Matter of Houston Blow Pipe and Sheet Metal Works*, 53 N. L. R. B. 184.

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 Crawford Steel Foundry Company is an Ohio corporation having its principal place of business in Bucyrus, Ohio, where it is engaged in the manufacture of rough steel castings. The principal raw materials used by the Company are scrap steel, pig iron, alloys, and sand. The Company's annual purchases of such materials amount to more than \$300,000 in value, of which approximately 70 percent comes from outside the State of Ohio. The Company annually manufactures products exceeding \$1,000,000 in value, of which approximately 37 percent is 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 Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

United Mine Workers of America, District 50, 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 certain of its employees 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.<sup>3</sup>

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, that all production and maintenance employees of the Company at its Bucyrus,

<sup>3</sup> The Field Examiner reported that the C. I. O. submitted 154 application cards; that the names of 133 persons appearing on the cards were listed on the Company's pay roll of July 29, 1944, which contained the names of 277 employees in the alleged appropriate unit; and that of these cards, 90 were dated June 1944, 19 were dated July 1944, 5 were dated August 1944, and 19 were undated.

District 50 submitted 64 application cards. The names of 55 persons appearing on the cards were contained in the aforesaid pay roll. Of these cards, 35 were dated May 1944, 16 were dated June 1944, and 4 were dated July 1944.

Ohio, plant, including watchmen, laboratory and part-time employees,<sup>4</sup> but excluding 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 The Crawford Steel Foundry Company, 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 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 Steelworkers of America, affiliated with the Congress of Industrial Organizations, or by United Mine Workers of America, District 50, for the purposes of collective bargaining, or by neither.

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<sup>4</sup> The Company's watchmen are not militarized, its laboratory employees perform routine tests and its part-time employees are high school students who will be able to devote only a portion of their time to their work after their return to school.