

In the Matter of DAVENPORT MANUFACTURING COMPANY and UNITED  
STEELWORKERS OF AMERICA, DISTRICT 38, C. I. O.

*Case No. 21-R-2468.—Decided September 22, 1944*

*Mr. A. F. Simpson, Jr.*, of Los Angeles, Calif., for the Company.  
*Mr. Gilbert C. Anaya* of Maywood, 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 United Steelworkers of America, District 38, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Davenport Manufacturing Company, South Gate, California, 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 28, 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

Davenport Manufacturing Company is a California corporation with its principal place of business at South Gate, California, where it is engaged in the manufacture of parts for vessels. During 1943 the Company purchased raw materials valued at about \$275,000 from points outside the State of California. During the same period the Company

sold products valued in excess of \$1,000,000, all of which were delivered to the United States Navy and United States Maritime Commission.

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

## II. THE ORGANIZATION INVOLVED

United Steelworkers of America, District 38, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

During August 1944, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company did not reply to this request.

A statement of the Trial Examiner, read into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</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 substantial agreement with the parties, that all employees of the Company, excluding office employees, engineering employees, leadmen, the shipping clerk, 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 pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

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<sup>1</sup> The Trial Examiner reported that the Union presented 66 membership application cards bearing the names of persons who appear on the Company's pay roll of August 20, 1944. There are approximately 105 employees in the appropriate unit.

## 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 Davenport Manufacturing Company, South Gate, California, 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 United Steelworkers of America, District 38, C. I. O., for the purposes of collective bargaining.