

In the Matter of THE METEOR MOTOR CAR COMPANY and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (U. A. W.-C. I. O.)

Case No. 8-R-1599.—Decided September 22, 1944

Mr. Wilbur F. Pell, of Shelbyville, Ind., and *Mr. John B. Judkins*, of Piqua, Ohio, for the Company.

Mr. Howard Seren, of Lima, Ohio, and *Mr. Harold Tull*, of Troy, Ohio, for the Union.

Mr. Julius Kirle, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (U. A. W.-C. I. O.), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Meteor Motor Car Company, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas E. Shroyer, Trial Examiner. Said hearing was held at Piqua, Ohio, on August 12, 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 Meteor Motor Car Company, an Ohio corporation having its principal office and place of business at Piqua, Ohio, is engaged in the

manufacture of aircraft parts and truck bodies. During the fiscal year ending September 5, 1943, the Company purchased raw materials valued in excess of \$1,800,000, more than 80 percent of which was purchased from sources outside the State of Ohio. During the same period the Company manufactured finished products valued in excess of \$2,600,000, more than 75 percent of which was shipped to sources outside the State.

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

II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (U. A. W.-C. I. O.), affiliated with the Congress of Industrial Organizations, 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 Union as the exclusive bargaining representative of certain of the Company's employees until the Union 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 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 substantially in accordance with an agreement of the parties that all employees of the Company's Piqua, Ohio, plant, including watchmen, inspectors, and stockhandlers, but excluding executive, ad-

¹ The Field Examiner reported that the Union submitted 98 cards, 11 dated in May 1944, 46 in June 1944, 23 in July 1944, 18 were undated, and that there are approximately 150 employees in the appropriate unit. The Company objected at the hearing to the Trial Examiner's denial of permission to cross-examine the Field Examiner with respect to the foregoing representation statement of the Field Examiner, and its application for a subpoena *duces tecum* directing the Field Examiner and certain union representatives to appear at the hearing and produce their records pertaining to membership and authorization cards. On August 18, 1944, subsequent to the hearing, the Company also filed a petition with the Board for leave to adduce additional evidence to prove that the Union did not represent a substantial number of employees. We find the objection of the Company to be without merit, and the petition is hereby denied. As we have frequently stated, authorization or membership cards are required, not as proof of the precise number of employees who desire to be represented by a labor organization, or as a basis for determining the appropriate representative, but simply to provide a reasonable safeguard against the indiscriminate institution of representation proceedings by labor organizations which might have little or no membership in the unit claimed to be appropriate. See *Matter of H. G. Hill Stores, Inc., Warehouse*, 39 N. L. R. B. 874.

ministrative, and clerical employees; draftsmen,² time clerks, tool engineer, chief engineer, 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 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 Meteor Motor Car Company, Piqua, 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 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 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 & Agricultural Implement Workers of America (U. W. A.-C. I. O.), for the purposes of collective bargaining.

² The parties agree, and we find, that Robert Francis, who performs some drafting work, does not fall within the above category of draftsmen, and is therefore not excluded from the unit