

In the Matter of SAM GIVEN, BERTRAM GIVEN, AND HOWARD C. GIVEN,
A PARTNERSHIP D/B/A GIVEN MACHINERY COMPANY and UNITED
AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF
AMERICA, UAW-CIO

Case No. 21-R-2451.—Decided October 2, 1944

Messrs. Sam and Bertram Given, of Los Angeles, Calif., for the Company.

Katz, Gallagher & Margolis, by *Mr. John T. McTernan*, 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 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 Sam Given, Bertram Given, and Howard C. Given, a partnership d/b/a Given Machinery Company, Los Angeles, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Louis Plost, Trial Examiner. Said hearing was held at Los Angeles, California, on September 15, 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

Given Machinery Company is a partnership with its principal place of business at Los Angeles, California, where it is engaged in the

business of rebuilding machinery for repair, general machine work, and air frame assembly. During 1943 the Company purchased materials valued at about \$700,000, approximately 15 percent of which was shipped to it from points outside the State of California. During the same period the Company sold machinery, machine tools, and accessories valued at about \$850,000, less than 1 percent of which was shipped to points outside the State of California. We are here concerned with the Company's air frame division. This division is engaged in assembling pre-fabricated parts for the Long Beach, California, plant of Douglas Aircraft Company, Inc. The parts, after being assembled, are used on airplanes manufactured for the United States Army and Navy. The Company will receive in excess of \$500,000 during 1944 for its air frame assembly work.

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

II. THE ORGANIZATION INVOLVED

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 and August 1944, the Union requested the Company to recognize it as exclusive collective bargaining representative of certain of the Company's employees. The Company did not reply to these requests.

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 production, maintenance, and inspection employees of the Company in its air frame division, excluding office employees and supervisory employees with authority to hire, promote, discharge, discipline, or

¹The Field Examiner reported that the Union presented 64 membership application cards bearing the names of persons who appear on the Company's pay roll of August 26, 1944. There are approximately 109 employees in the appropriate unit.

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.

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 Sam Given, Bertram Given, and Howard C. Given, a partnership d/b/a Given Machinery Company, Los Angeles, 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 Automobile, Aircraft and Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.