

In the Matter of UNITED STEEL FABRICATORS, INC. and INTERNATIONAL UNION, UNITED AUTOMOBILE WORKERS OF AMERICA, LOCAL 813, A. F. OF L.

Case No. 8-R-1612.—Decided October 3, 1944

Messrs. David A. Taggart, William C. Martin, and R. T. Johnson, of Wooster, Ohio, for the Company.

Mr. Tom Brennan, of Cleveland, Ohio, and *Mr. Lloyd Loveland,* of Wooster, Ohio, for the United:

Mr. Nicholas Pagniano, of Wooster, Ohio, for the Independent.

Mr. Louis Cokin, of counsel for the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Union, United Automobile Workers of America, Local 813, A. F. of L., herein called the United, alleging that a question affecting commerce had arisen concerning the representation of employees of United Steel Fabricators, Inc., Wooster, 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 Wooster, Ohio, on September 1, 1944. At the commencement of the hearing, the Trial Examiner granted a motion of United Metal Fabricators Union, herein called the Independent, to intervene. The Company, the United, and the Independent appeared at and participated in the hearing.¹ 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 opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

¹ Although International Association of Machinists, A. F. of L., was served with Notice of Hearing, it did not appear.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

United Steel Fabricators, Inc., is an Ohio corporation with its principal place of business at Wooster, Ohio, where it is engaged in the fabrication of steel and aluminum products. All products manufactured by the Company are used by the armed forces of the United States. During the past 6 months the Company purchased raw materials valued at about \$2,500,000, approximately 60 percent of which was shipped to it from points outside the State of Ohio. During the same period the Company sold products valued in excess of \$3,600,000, all of which was shipped under United States Government bills of lading.

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

II. THE ORGANIZATIONS INVOLVED

International Union, United Automobile Workers of America, Local 813, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

United Metal Fabricators Union is an unaffiliated labor organization, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the United as exclusive collective bargaining representative of its employees until such time as the United is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the United represents a substantial number of employees in the unit hereinafter found to be appropriate.²

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 agreement with a stipulation of the parties, that all production and maintenance employees of the Company, excluding clerical employees, plant guards, and all supervisory employees with

² The Field Examiner reported that the United presented 186 authorization cards. There are approximately 513 employees in the appropriate unit. He further reported that the Independent presented 37 authorization cards.

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.

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 United Steel Fabricators, Inc., Wooster, 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 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 they desire to be represented by International Union, United Automobile Workers of America, Local 813, affiliated with the American Federation of Labor, or by United Metal Fabricators Union, for the purposes of collective bargaining, or by neither.