

In the Matter of McCORD RADIATOR AND MANUFACTURING COMPANY
and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, U. A. W.-C. I. O.

Case No. 8-R-1616.—Decided October 4, 1944

Mr. Richard A. Forsyth, of Detroit, Mich., for the Company.

Mr. David A. Guberman, of Toledo, Ohio, for the UAW-CIO.

Mr. Claude Brice, of Wauseon, Ohio, for the UAW-AFL.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, herein called the UAW-CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of McCord Radiator and Manufacturing Company, Wauseon, Ohio, 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 Wauseon, Ohio, on September 20, 1944. At the commencement of the hearing the Trial Examiner granted a motion of United Automobile Workers of America, A. F. of L., herein called the UAW-AFL, to intervene. The Company, the UAW-CIO, and the UAW-AFL 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

McCord Radiator and Manufacturing Company is a Michigan corporation operating a plant at Wauseon, Ohio, where it is engaged in
58 N. L. R. B., No. 150.

the manufacture of gaskets. Products valued in excess of \$2,000,000, annually pass through the Wauseon plant, substantially all of which come from or go 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

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

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

III. THE QUESTION CONCERNING REPRESENTATION

On July 28, 1944, the UAW-CIO requested the Company to recognize it as the exclusive collective bargaining representative of the employees at the Wauseon plant. The Company refused this request until such time as the UAW-CIO is certified by the Board.

The Company and the UAW-AFL have had contractual relationships since 1942. The last contract provides that it shall remain in effect until August 17, 1944, and thereafter subject to termination by either party thereto by 30 days' notice. Inasmuch as the contract is subject to termination by either party thereto on 30 days' notice, we find that it does not constitute a bar to a determination of representatives at this time.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the UAW-CIO 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 agreement with a stipulation of the parties, that all production and maintenance employees at the Wauseon plant of the Company, excluding clerical employees, watchmen, truck drivers, and

¹The Field Examiner reported that the UAW-CIO presented 84 authorization cards bearing the names of persons who appear on the Company's pay roll of August 16, 1944. There are approximately 116 employees in the appropriate unit. The UAW-AFL did not present any evidence of representation but relies upon its contract as evidence of its interest in the instant proceeding.

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.²

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 McCord Radiator and Manufacturing Company, Wauseon, 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 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, Aircraft & Agricultural Implement Workers of America, UAW-CIO, or by United Automobile Workers of America, UAW-AFL, for the purposes of collective bargaining, or by neither.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.

² This is the same unit provided for in the contract between the UAW-AFL and the Company.