

In the Matter of THE FIRESTONE TIRE & RUBBER COMPANY and  
GENERAL WAREHOUSEMEN'S LOCAL 598, A. F. L.

Case No. 21-R-2465.—Decided October 7, 1944

*Haight, Trippet & Syvertson*, by *Mr. Oscar A. Trippet*, of Los Angeles, Calif., for the Company.

*Messrs. Arthur A. Jones* and *A. W. Bock*, 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 General Warehousemen's Local 598, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Firestone Tire & Rubber Company, Los Angeles, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Maurice J. Nicolson, Trial Examiner. Said hearing was held at Los Angeles, California, on August 24, 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.<sup>1</sup> 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:

<sup>1</sup> The Trial Examiner failed to introduce at the hearing the customary formal papers consisting, *inter alia*, of the petition, notice of hearing, and affidavit as to service of same. The parties at the hearing orally waived notice of hearing. The petition is a part of the formal file in the instant case and is hereby incorporated into and made a part of the record. Although the Trial Examiner, in accordance with usual practice, should have introduced into evidence the afore-mentioned formal papers, we find that his failure to do so is not prejudicial.

## FINDINGS OF FACT

## I. THE BUSINESS OF THE COMPANY

The Firestone Tire & Rubber Company is an Ohio corporation operating two warehouses at Los Angeles, California, where it is engaged in the warehousing of miscellaneous merchandise. During its fiscal year ending October 31, 1943, the Company moved merchandise through its Los Angeles warehouses valued at about \$3,750,000. About 50 percent of the merchandise warehoused originated outside the State of California, and about 7.5 percent was shipped to points outside the State of California.

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

## II. THE ORGANIZATION INVOLVED

General Warehousemen's Local 598 is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

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

The parties stipulated that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.

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

The Union urges that all production and maintenance employees at the warehouses of the Company at Los Angeles, California, including receiving and shipping clerks, but excluding office employees, general clerical employees, the manager, general foremen, and supervisors, constitute an appropriate unit. There seems to be disagreement with respect to whether or not certain employees are supervisors.

The Company employs six persons classified by it as supervisors.<sup>2</sup> Each of them has from 6 to 10 subordinates and has the authority to effectively recommend changes in their status. Accordingly, we find that the persons named in Footnote 2 are supervisory employees, and as such, we shall exclude them from the unit.

<sup>2</sup> Wilson, Halliday, Reagan, Fratt, Jones, and Hart.

We find that all production and maintenance employees at the warehouses of the Company at Los Angeles, California, including receiving and shipping clerks, but excluding office employees, general clerical employees, the manager, general foremen, supervisors, 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.

#### 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 Firestone Tire & Rubber 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 General Warehousemen's Local 598, affiliated with the American Federation of Labor, for the purposes of collective bargaining.