

In the Matter of GENERAL ELECTRIC COMPANY and UNITED ELECTRICAL,
- RADIO & MACHINE WORKERS OF AMERICA, C. I. O.

Case No. 8-R-1628.—Decided October 27, 1944

Messrs. E. J. Westerlund and F. H. Bishop, of East Cleveland, Ohio, and Mr. R. S. Dick, of Conneaut, Ohio, for the Company.

Mr. Fred Haug, of Cleveland, Ohio, for the U. E.

Mr. D. C. Brown, of Akron, Ohio, for the I. A. M.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Electrical, Radio & Machine Workers of America, C. I. O., herein called the U. E., alleging that a question affecting commerce had arisen concerning the representation of employees of General Electric Company, Conneaut, 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 Conneaut, Ohio, on September 22, 1944. At the commencement of the hearing the Trial Examiner granted a motion of International Association of Machinists, Lodge 1454, A. F. of L., herein called the I. A. M., to intervene. The Company, the U. E., and the I. A. M., appeared at and participated in the hearing and all parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. During the course of the hearing the I. A. M. moved to dismiss the petition. The Trial Examiner reserved ruling thereon. The motion is hereby denied. 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.

58 N L R. B., No. 254.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

General Electric Company is a New York corporation operating a plant at Conneaut, Ohio, with which we are here concerned, where it is engaged in the manufacture of metal bases for lamp bulbs. The Company purchases raw materials valued in excess of \$250,000, annually, for use at its Conneaut plant, about 75 percent of which is shipped to it from points outside the State of Ohio. During the same period the Company produces finished products valued in excess of \$500,000, 50 percent of which is shipped 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

United Electrical, Radio & Machine Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

International Association of Machinists, Lodge 1454, 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 U. E. as the exclusive collective bargaining representative of the employees at the Conneaut plant until such time as the U. E. is certified by the Board.

On September 21, 1943, the Company and the I. A. M. entered into an exclusive bargaining contract. The contract provides that it shall remain in effect for 1 year and from year to year thereafter unless either party thereto notifies the other of a desire to terminate not less than thirty (30) days prior to any annual expiration date. The U. E. made its claim upon the Company on August 4, 1944. Inasmuch as the U. E. made its claim prior to August 21, 1944, the date upon which the contract would have automatically renewed itself, we find that the contract 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 U. E. represents a sub-

stantial 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 substantial agreement with a stipulation of the parties, that all production and maintenance employees at the Conneaut plant of the Company, excluding clerical employees and 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 General Electric Company, Conneaut, 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

¹The Field Examiner reported that the U E presented 103 membership cards bearing names of persons that appear on the Company's pay roll of August 25, 1944. There are approximately 137 persons in the appropriate unit. The I A M did not present any evidence of representation, but relies upon its contract as evidence of its interest in the instant proceeding.

²This is substantially the same unit as provided for in the contract between the I. A. M. and the Company.

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 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 United Electrical, Radio & Machine Workers of America, C. I. O., or by International Association of Machinists, Lodge 1454, A. F. of L., for the purposes of collective bargaining, or by neither.