

IN THE MATTER OF THE NATIONAL SCREW & MANUFACTURING COMPANY
and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND
AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL 843, UAW-
CIO

Case No. 8-R-1667.—Decided October 27, 1944

McAfee, Grossman, Hanning & Newcomer, by *Mr. Maurice F. Hanning*, of Cleveland, Ohio, for the Company.

Mr. Max W. Johnstone, of Akron, Ohio, 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 International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local 843, UAW-CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The National Screw & Manufacturing Company, Cleveland, 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 Cleveland, Ohio, on October 6, 1944. The Company and the Union 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The National Screw & Manufacturing Company is an Ohio corporation with its principal place of business at Cleveland, Ohio, where it is engaged in the manufacture of bolts, nuts, screws, and aircraft parts.

¹ Although The National Screw & Manufacturing Company Employees Association, Inc., herein called the Association, was served with Notice of Hearing, it did not appear.

During 1943 the Company purchased materials valued in excess of \$500,000, over 60 percent of which was shipped to it from points outside the State of Ohio. During the same period the Company manufactured products valued in excess of \$1,000,000, about 75 percent of which was shipped to points outside the State of Ohio.

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

II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local 843, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

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

On December 14, 1943, the Company and the Association entered into an exclusive collective bargaining contract which expires by its terms on December 14, 1944. During August 1944 at a general meeting attended by a majority of the membership of the Association it was voted to dissolve the Association. Pursuant to such action, the Association, a corporation, was legally dissolved and the Company duly notified thereof. Since that time the Association has entirely ceased to function and has no officers or members. The Company does not contend that the contract is a bar to this proceeding. Inasmuch as the Association is in no position to administer the contract and inasmuch as the contract is to expire by its terms on December 14, 1944, 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 Union 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 accordance with a stipulation of the parties, that all employees of the Company, excluding salaried employees, office em-

² The Field Examiner reported that the Union presented 699 membership application cards bearing the names of persons who appear on the Company's pay roll of September 22, 1944. There are approximately 2,128 employees in the appropriate unit.

ployees, cost clerks and timekeepers in plant, guards, salesmen, technical and engineering employees, administrative employees, department heads, foremen, 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 National Screw & Manufacturing Company, Cleveland, 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 or not they desire to be represented by International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local 843, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.