

In the Matter of MACKLIN COMPANY and INTERNATIONAL UNION,
UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, C. I. O.

Case No. 7-R-1845.—Decided October 30, 1944

Bisbee, McKone, Badgley & McNally, by *Mr. Maxwell F. Badgley*,
of Jackson, Mich., for the Company.

Messrs. Emerson Barringer and W. A. Maguar, of Jackson, Mich.,
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, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Macklin Company, Jackson, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert J. Wiener, Trial Examiner. Said hearing was held at Jackson, Michigan, on October 10, 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. 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

Macklin Company is a Michigan corporation operating a plant at Jackson, Michigan, where it is engaged in the manufacture of com-
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mercial grinding wheels and abrasive products for commercial use. The Company purchases raw materials valued in excess of \$1,000,000 annually, 80 percent of which is shipped to it from points outside the State of Michigan. During the same period the Company manufactures products valued in excess of \$1,000,000, about 90 percent of which is shipped to points outside the State of Michigan.

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 is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

During August 1944 the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request.

The Company takes the position that no election should be directed at this time for the reason that in a consent election conducted on February 4, 1944, a majority of its employees had voted against representation by the Union.¹ Eight months have elapsed since the consent election. The record discloses that the Union has authorization cards bearing apparently genuine signatures of a majority of the employees. All of these cards are dated subsequent to the election of February 4, 1944.² Since no collective bargaining representative was chosen as a result of that election, and in view of the fact that a majority of the Company's employees appear to have indicated since that election a desire for representation by the Union, we believe that the policies of the Act will best be effectuated by conducting an election on the present petition.³

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.

¹ The record shows that out of 438 eligible employees, 197 employees voted in favor of the Union, 201 against it, and 2 ballots were void.

² According to a statement read into the record by the Trial Examiner, the Union submitted 220 authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll for the period ending October 1, 1944. The statement also recites that these cards are dated from March 1 to October 1944. There are approximately 394 employees on the October 1, 1944, pay roll within the alleged appropriate unit.

³ *Matter of New York Central Iron Works, Hagerstown, Maryland*, 37 N. L. R. B. 894.

IV. THE APPROPRIATE UNIT

We find, in substantial agreement with a stipulation of the parties, that all production and maintenance employees of the Company, excluding executives, office and clerical employees, plant-protection employees, superintendents, foremen, assistant 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 Macklin Company, Jackson, Michigan, 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 Seventh 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, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.