

In the Matter of MECHANICAL SPECIALTIES COMPANY and WESTERN MECHANICS LOCAL UNION 700, INTERNATIONAL UNION OF MINE, MILL & SMELTER WORKERS, C. I. O.

Case No. 21-R-2437.—Decided October 31, 1944

Mr. George Topper, of Los Angeles, Calif., for the Company.

Mr. Judy Dunks, 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 Western Mechanics Local Union 700, International Union of Mine, Mill and Smelter Workers, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Mechanical Specialties Company, Los Angeles, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George H. O'Brien, Trial Examiner. Said hearing was held at Los Angeles, California, on October 2 and 9, 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

Mechanical Specialties Company is a partnership operating a plant at Los Angeles, California, where it is engaged in the manufacture of tools, jigs, fixtures, dies, and gauges. During the first 6 months

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of 1944, the Company purchased raw materials valued at about \$14,000, almost all of which was shipped to it from points outside the State of California. During 1943 the Company's finished products were valued at about \$372,879, almost all of which was used in the war effort, principally in the manufacture of aircraft.

We find, contrary to the contentions of the Company, that its operations affect commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Western Mechanics Local Union 700, International Union of Mine, Mill & Smelter Workers, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On July 10, 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.

A statement of an agent 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.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 of the Company, excluding clerical employees, watchmen, foremen, subforemen, 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

¹ The Board agent reported that the Union presented 18 authorization cards bearing the names of persons who appear on the Company's pay roll for the period ending July 27, 1944. There are 42 employees in the appropriate unit.

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 Mechanical Specialties 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 Western Mechanics Local Union 700, International Union of Mine, Mill & Smelter Workers, C. I. O., for the purposes of collective bargaining.