

In the Matter of THE BLACKHAWK FOUNDRY & MACHINE Co. and
PATTERN MAKERS LEAGUE OF NORTH AMERICA, QUAD-CITY ASSOCIA-
TION, A. F. L.

Case No. 18-R-1122.—Decided November 7, 1944

Mr. Ben T. Reidy, of Rock Island, Ill., for the Company.

Mr. Gunnar Hallstrom, of Chicago, Ill., 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 Pattern Makers League of North America, Quad-City Association, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Blackhawk Foundry & Machine Co., Davenport, Iowa, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William J. Scott, Trial Examiner. Said hearing was held at Davenport, Iowa, on October 16, 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

The Blackhawk Foundry & Machine Co. is an Iowa corporation with its principal place of business at Davenport, Iowa, where it is engaged in the manufacture of metal castings. During the first 9 months of 1944, the Company manufactured products valued in excess of \$50,000, over 75 percent of which was shipped to points outside the State of

Iowa or to contractors within the State of Iowa who shipped them outside the State of Iowa.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Pattern Makers League of North America, Quad-City Association, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On September 2, 1944, the Union requested the Company to recognize it as the exclusive collective bargaining representative of certain of the Company's employees. The Company refused this request.

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.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

The Union urges that all pattern makers and pattern makers' apprentices of the Company, excluding the superintendent of patterns, constitute an appropriate bargaining unit. The Company contends that all its employees, including the pattern makers and pattern makers' apprentices, constitute a single appropriate unit.

On August 10, 1944, a consent election was held among the production and maintenance employees of the Company, including the employees involved herein, as a result of a petition filed by International Molders and Foundry Workers Union of North America, herein called the Molders. The Company contends that inasmuch as the Board found in August 1944 that the appropriate unit was company-wide, the pattern makers and pattern makers' apprentices should not be allowed at this time to seek a separate unit. A majority of the employees voting in the August 10 election voted against the Molders. The Union was not a party to the August 10, 1944, proceeding nor did it have notice of that election. Evidence introduced at the hearing indicates that the employees claimed by the Union constitute a well defined craft group, and that they work under

¹The Field Examiner reported that the Union presented three authorization cards. There are approximately four employees in the appropriate unit.

a separate foreman and spend a majority of their time in the maintenance of patterns. The Molders has notified the Board that it has no interest among the employees claimed by the Union. Under all the circumstances, we find that a unit limited to a craft group of pattern makers and pattern makers' apprentices is appropriate.

We find that all pattern makers and pattern makers' apprentices of the Company, excluding the superintendent of patterns 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 Blackhawk Foundry & Machine Co., Davenport, Iowa, 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 Eighteenth 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 Pattern Makers League of North America, Quad-City Association, A. F. L., for the purposes of collective bargaining.