

In the Matter of KIRK-RICH DIAL CORPORATION *and* LOS ANGELES CHAPTER, CALIFORNIA WATCHMAKERS UNION, AFFILIATED WITH AMALGAMATED WATCH WORKERS UNION, INDEPENDENT

Case No. 21-R-2501.—Decided November 11, 1944

Mr. C. A. Collings, of Los Angeles, Calif., for the Company.

Mr. George F. Allen, of San Francisco, Calif., and *Mrs. Annetia B. Watson*, of Huntington Park, Calif., for the Independent.

Messrs. David E. Moore and *John F. Casey*, of Los Angeles, Calif., for the A. F. of L.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Los Angeles Chapter, California Watchmakers Union, affiliated with Amalgamated Watch Workers Union, Independent, herein called the Independent, alleging that a question affecting commerce had arisen concerning the representation of employees of Kirk-Rich Dial Corporation, Los Angeles, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Charles M. Ryan, Trial Examiner. Said hearing was held at Los Angeles, California, on October 20, 1944. At the commencement of the hearing the Trial Examiner granted a motion of Amalgamated Watchmakers Union, Local 115, International Jewelry Workers Union, A. F. of L., herein called the A. F. of L., to intervene. The Company, the Independent, and the A. F. of L. 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

Kirk-Rich Dial Corporation is a California corporation with its principal offices at Los Angeles, California. We are here concerned with its plants at Los Angeles, California, where it is engaged in the manufacture, refinishing, and renewing of watch dials. During the first 9 months of 1944, the Company used raw materials at its Los Angeles plants valued at about \$1,750, about 20 percent of which was shipped to it from points outside the State of California. During the same period, the Company produced products at its Los Angeles plants valued at about \$46,200, about 12 percent of which was shipped to points outside the State of California.

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

II. THE ORGANIZATIONS INVOLVED

Los Angeles Chapter, California Watchmakers Union, affiliated with Amalgamated Watch Workers Union, Independent, is a labor organization admitting to membership employees of the Company.

Amalgamated Watchmakers Union, Local 115, International Jewelry Workers Union, 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 23, 1944, the Independent requested the Company to recognize it as the exclusive bargaining representative of the employees involved herein. The Company refused this request until such time as the Independent was certified by the Board.

On November 1, 1943, the Company and the A. F. of L. entered into an exclusive contract covering some of the employees involved herein. Said contract provides that it shall remain in full force and effect until October 1, 1944. On February 1, 1944, the Company and the A. F. of L. entered into an exclusive contract covering the remaining employees involved herein. Said contract provides that it shall remain in effect until January 31, 1945. However, the contracting parties waive the latter agreement and do not contend that it constitutes a bar to this proceeding.

A statement of the Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Independent 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 Independent urges that all employees at the Company's dial shop at 220 West Fifth Street, Los Angeles, California, including die cutters at the 106 West Third Street shop, but excluding foremen and administrative office employees, constitute an appropriate unit. The only controversy with respect to the unit concerns the employees at the shop at 106 West Third Street. The Company and the A. F. of L. would include the employees of that shop in the unit.

The record indicates that the Company employs but one person at its 106 West Third Street shop where aircraft dials are manufactured and radium and fluorescent applications are applied to dials. The November 1, 1943, contract between the Company and the A. F. of L. covered all the employees involved herein except the one person at the dial shop. The latter is covered by the February 1, 1944, contract. The employee at 106 West Third Street is paid on the same basis as the employees at the other shop, and they all appear on a common pay roll and are under common supervision. It appears that the only reason the Company operates the shop at 106 West Third Street is because of lack of sufficient space at a single location. Under all the circumstances we find that the employee at the 106 West Third Street shop properly belongs in a unit with the employees at the 220 West Fifth Street shop.

We find that all employees at the 220 West Fifth Street and 106 West Third Street, Los Angeles, shops of the Company, excluding administrative office employees, 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 find that the question concerning representation which has arisen can best be resolved by means of an election by secret ballot.

The Independent requests that no election be held in the instant proceeding prior to 30 days following the date of the hearing, inasmuch

¹ The Field Examiner reported that the Independent presented 8 membership application cards bearing the names of persons who appear on the October 9, 1944, pay roll of the Company. There are approximately 14 employees in the appropriate unit.

as charges of unfair labor practices filed by it against the Company were only recently adjusted.² We find that it is unnecessary to rule on the request of the Independent inasmuch as 30 days from the date of the hearing will have elapsed by the time any election can be held as a result of this Decision.

We shall direct that the employees eligible to vote shall be those 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 Kirk-Rich Dial Corporation, 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 they desire to be represented by Los Angeles Chapter, California Watchmakers Union, affiliated with American Watch Workers Union, Independent, or by Amalgamated Watchmakers Union, Local 115, International Jewelry Workers Union, A. F. of L., for the purposes of collective bargaining, or by neither.

² It should be noted that the Independent has signed a waiver of said charges for the purpose of this proceeding.