

In the Matter of PENNSYLVANIA TRANSFORMER COMPANY *and* SHOP COMMITTEE OF FIVE (GEORGE KRALL, JOSEPH WHITE, JOSEPH RICHARDSON, SR., MICHAEL HARCARIK AND CLEMENT HAYES)

*Case No. 6-R-1036.—Decided December 6, 1944*

*Mr. Fred L. Huber, Jr.*, of Pittsburgh, Pa., for the Company.  
*Mr. Harry A. Sherman*, of Pittsburgh, Pa., for the Committee.  
*Messrs. Matthew Matison, George A. Conrad, and Michael J. Kazell*, of Pittsburgh, Pa., for the U. E.  
*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Shop Committee of Five (George Krall, Joseph White, Joseph Richardson, Sr., Michael Harcarik and Clement Hayes), herein called the Committee, alleging that a question affecting commerce had arisen concerning the representation of employées of Pennsylvania Transformer Company, Pittsburgh, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Walter Wilbur, Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on November 10, 1944. At the commencement of the hearing, the Trial Examiner granted a motion of United Electrical, Radio & Machine Workers of America, C. I. O., herein called the U. E., to intervene. The Company, the Committee, and the U. E. 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:

59 N. L. R. B., No. 148.

## FINDINGS OF FACT

### I. THE BUSINESS OF THE COMPANY

Pennsylvania Transformer Company is a Pennsylvania corporation engaged in the manufacture of electrical transformers at Pittsburgh, Pennsylvania. During 1943 the Company purchased raw materials valued at about \$3,300,000, approximately 60 percent of which was shipped to it from points outside the Commonwealth of Pennsylvania. During the same period the Company manufactured products valued at about \$4,700,000, approximately 25 percent of which was shipped to points outside the Commonwealth of Pennsylvania.

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

### II. THE ORGANIZATIONS INVOLVED

Shop Committee of Five (George Krall, Joseph White, Joseph Richardson, Sr., Michael Harcarik, and Clement Hayes) is an unaffiliated labor organization, authorized to represent employees of the Company.

United Electrical, Radio & Machine 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 July 1944 the Committee requested recognition of the Company as exclusive collective bargaining representative of the Company's employees. The Company refused this request on the ground that it was operating under a contract with the U. E.

On December 13, 1943, the Company and the U. E. entered into an exclusive collective bargaining contract. The contract expired by its terms on August 13, 1944.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Committee represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

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.

<sup>1</sup> The Field Examiner reported that the Committee presented 174 authorization cards. There are approximately 234 employees in the appropriate unit. The U. E. did not present any evidence of membership, but relies upon its contract as evidence of its interest in the instant proceeding.

## IV. THE APPROPRIATE UNIT

We find, in agreement with a stipulation of the parties, that all production and maintenance employees at the Island Avenue and Preble Avenue plants of the Company, excluding office employees, nurses, transformer testers, watchmen, and all 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.<sup>2</sup>

## 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 Committee urges that a pay roll as of the date of the petition be used to determine eligibility to vote. Inasmuch as no persuasive reason appears as to why we should depart from our usual practice we shall direct that those eligible to vote shall be 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 Pennsylvania Transformer Company, Pittsburgh, Pennsylvania, 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 Sixth 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

<sup>2</sup> This is the same unit that is provided for in the contract between the U. E. and the Company.

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 Shop Committee of Five (George Krall, Joseph White, Joseph Richardson, Sr., Michael Harcarik and Clement Hayes), or by United Electrical, Radio & Machine Workers of America, C. I. O., for the purposes of collective bargaining, or by neither.