

In the Matter of A. FINKL & SONS COMPANY *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT No. 8, A. F. OF L.

In the Matter of A. FINKL & SONS COMPANY *and* INTERNATIONAL BROTHERHOOD OF BLACKSMITHS, DROP FORGERS AND HELPERS, A. F. OF L.

*Cases Nos. 13-R-2743 and 13-R-2744 respectively.—Decided December 19, 1944*

*Mr. Albert J. Smith*, of Chicago, Ill., for the Company.

*Mr. P. L. Siemiller*, of Chicago, Ill., for the Machinists.

*Mr. Gerald Wolsfelt*, of Chicago, Ill., for the Blacksmiths.

*Mr. Harold M. Humphrey*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon separate petitions duly filed by International Association of Machinists, District No. 8, A. F. of L., herein called the Machinists, and International Brotherhood of Blacksmiths, Drop Forgers and Helpers, A. F. of L., herein called the Blacksmiths, alleging that questions affecting commerce had arisen concerning the representation of employees of A. Finkl & Sons, Chicago, Illinois, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before Robert R. Rissman, Trial Examiner. Said hearing was held at Chicago, Illinois, on November 22, 1944. The Company, the Machinists and the Blacksmiths appeared and participated.<sup>1</sup> All parties 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 an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

<sup>1</sup> Although duly served with Notice of Hearing, International Union of Mine, Mill & Smelter Workers, C. I. O., failed to appear.

## FINDINGS OF FACT

## I. THE BUSINESS OF THE COMPANY

A. Finkl & Sons, an Illinois corporation, is engaged in Chicago, Illinois, in the manufacture of steel forging and die blocks. For the first 6 months of 1944, the total value of raw materials purchased by the Company was in excess of \$50,000, of which more than 50 percent came from points outside the State of Illinois. For the same period, the total value of sales of finished products made by the Company was in excess of \$75,000, of which more than 60 percent was shipped to points outside the State of Illinois. The Company's products are used in war production.

The Company does not deny, and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATIONS INVOLVED

International Association of Machinists and International Brotherhood of Blacksmiths, Drop Forgers and Helpers, both affiliated with the American Federation of Labor, are labor organizations admitting to membership employees of the Company.

## III. THE QUESTIONS CONCERNING REPRESENTATION

The Company refuses to grant recognition to the Machinists and the Blacksmiths until they are certified by the Board in appropriate units.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Machinists and the Blacksmiths each represents a substantial number of employees in the respective units sought by them and hereinafter found appropriate.<sup>2</sup>

We find that questions affecting commerce have 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 UNITS

We find, in substantial accordance with the stipulation of the parties, that each of the following units is appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

1. All employees of the Company employed in the machine shops of plants 1, 2, 3, and 4, die sinking department plant No. 1, and maintenance and repair departments plants 1, 2, 3, and 4, excluding

<sup>2</sup> The Trial Examiner reported that the Machinists submitted 113 cards, and that there are 239 employees in the unit sought by the Machinists; and that the Blacksmiths submitted 102 cards, and that there are 261 employees in the unit sought by it.

office and clerical employees, outside truck drivers, and the employees specifically included in unit 2, set out below, 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;<sup>3</sup> and

2. All employees of the Company in plants 1, 2, 3, and 4, consisting of all employees in the forge shops of plants 1 and 2, the employees in the heat treating departments of plants 1, 2, 3, and 4, boiler room employees of plants 1 and 2, electrical department employees of plants 1, 2, and 4, shipping department employees, raw and finished material inspection employees, millwright department employees, the yard (material storage) employees of plants 1 and 2, and intra- and inter-plant tractor drivers, excluding office and clerical employees, outside truck drivers, and persons specifically included in unit 1, set out above, 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.<sup>4</sup>

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the questions concerning representation which have arisen be resolved by separate elections by secret ballot among the employees in the appropriate units who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.

#### DIRECTION OF ELECTIONS

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 purpose of collective bargaining with A. Finkl & Sons Company, Chicago, Illinois, separate elections 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 Thirteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject

<sup>3</sup> The employees included within unit 1 are designated by the following job code numbers: 4-6-10-11-12-13-16-17-18-18a-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-40-41-42-43-44-45-46-47-48-49-50-51 and 52.

<sup>4</sup> The employees included within unit 2 are designated by the following job code numbers: 1-1a-2-3-5-7-8-9-14-15-32-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83 and 84.

to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the units 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 elections, to determine:

1. With respect to the employees described in unit 1 of Section IV, *supra*, whether or not they desire to be represented by International Association of Machinists, District No. 8, A. F. of L., for the purposes of collective bargaining.

2. With respect to the employees described in unit 2 of Section IV, *supra*, whether or not they desire to be represented by International Brotherhood of Blacksmiths, Drop Forgers and Helpers, A. F. of L., for the purposes of collective bargaining.