

In the Matter of DEERE & WEBBER CO., CORN PICKER ASSEMBLY PLANT
and INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT #77,
A. F. OF L.

Case No. 18-R-1150.—Decided December 21, 1944

Mr. S. M. Lyman, of Minneapolis, Minn., for the Company.

Mr. James Ashe, of St. Paul, Minn., for the A. F. of L.

Mr. Carl A. Hallquist, of St. Paul, Minn., for the U. A. W.-C. I. O.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Association of Machinists, District #77, A. F. of L., herein called the A. F. of L., alleging that a question affecting commerce had arisen concerning the representation of employees of Deere & Webber Co., Corn Picker Assembly Plant, Minneapolis, Minnesota, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stephen M. Reynolds, Trial Examiner. Said hearing was held at Minneapolis, Minnesota, on November 24, 1944. At the commencement of the hearing, the Trial Examiner granted a motion of International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, C. I. O., herein called the U. A. W.-C. I. O., to intervene. The Company, the A. F. of L., and the U. A. W.-C. I. O., appeared at and participated in the hearing and 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 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

Deere & Webber Co. is a Minnesota corporation and a wholly owned subsidiary of Deere & Company. We are here concerned with

its plant at Minneapolis, Minnesota, where it is engaged in the assembly of corn pickers. About 40 percent of the parts used by the Company is shipped to it from points outside the State of Minnesota. During 1944 thus far the Company assembled products valued in excess of \$300,000, about 80 percent of which was or will be shipped to points outside the State of Minnesota.

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

II. THE ORGANIZATIONS INVOLVED

International Association of Machinists, District #77, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

International Union, United Automobile, Aircraft & Agricultural Implement 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

On October 16, 1944, the A. F. of L. requested recognition of the Company as exclusive collective bargaining representative of the Company's employees. The Company refused this request until such time as the A. F. of L. is certified by the Board.

A statement of the Trial Examiner, read into evidence at the hearing, indicates that the A. F. of L. and the U. A. W.-C. I. O. each 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 A. F. of L. and the U. A. W.-C. I. O. request that all hourly paid production and maintenance employees at the Minneapolis plant of the Company, including inspectors, watchmen, and the elevator operator, but excluding executives, office and factory clerical employees, the second assistant chief inspector, and any other supervisory employees, constitute an appropriate unit. The only controversy with respect to the unit concerns inspectors, watchmen, and the elevator operator. The Company would exclude all such persons from the unit.

¹The Trial Examiner reported that the A. F. of L. and the U. A. W.-C. I. O. presented 60 and 54 membership application cards, respectively, bearing the names of persons who appear on the Company's pay roll of November 21, 1944. There are approximately 150 employees in the appropriate unit.

The Company employs four inspectors who inspect parts and finished machines. The record indicates that none of them has any authority to recommend effectively the hire, discharge, or discipline of any other employees. We shall include them in the unit.

The Company employs two watchmen, neither of whom is armed, deputized, or uniformed. They perform duties normally performed by watchmen, and in addition keep clean the area to which they are assigned. Since the watchmen are not deputized and perform no monitorial duties, we see no reason for excluding them from the unit. We shall include the watchmen in the unit.

The Company employs one elevator operator who services the entire building in which the Company is located. The Company contends he should be excluded from the unit because he also services other companies. However, he is paid only by the Company, and carries materials used by the Company from floor to floor. We shall include him in the unit.

We find that all hourly paid production and maintenance employees at the Minneapolis plant of the Company, including inspectors, watchmen, and the elevator operator, but excluding office and factory clerical employees, executives, the second assistant chief inspector, and all 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 Deere & Webber Co., Corn Picker Assembly Plant, Minneapolis, Minnesota, 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 direc-

tion 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 they desire to be represented by International Association of Machinists, Local #77, affiliated with the American Federation of Labor, or by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.