

In the Matter of D. T. WILLIAMS VALVE COMPANY and UNITED STEEL-  
WORKERS OF AMERICA, C. I. O.

*Case No. 9-R-1587.—Decided December 22, 1944*

*Messrs. Raymond J. Junkel and Harry Ernst, of Cincinnati, Ohio, for the Company.*

*Messrs. Julius Holzberg and James P. Gallagher, of Cincinnati, Ohio, for the Union.*

*Mr. Louis Cokin, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon petition duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of D. T. Williams Valve Company, Cincinnati, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before James A. Shaw, Trial Examiner. Said hearing was held at Cincinnati, Ohio, on October 31, 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

D. T. Williams Valve Company is an Ohio corporation operating a plant at Cincinnati, Ohio, where it is engaged in the manufacture of valves. During the 12-month period preceding the hearing the Company purchased raw materials valued in excess of \$100,000, over 50

percent of which was shipped to it from points outside the State of Ohio. During the same period the Company sold products valued in excess of \$200,000, over 75 percent of which was shipped to points outside the State of Ohio.

The Company admits, for the purpose of this proceeding, that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

United Steelworkers 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 May 1944, the Union requested the Company to recognize it as the exclusive representative of its 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.<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.

## IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

The Union urges that all production and maintenance employees of the Company, including molders, coremakers, inspectors and set-up men, but excluding foremen, assistant foremen, watchmen, guards, drawing-room and engineering department employees, timekeepers, and office and salaried employees, constitute an appropriate unit. The Union further stated that, in the event the Board did not agree with this contention, it desired a unit of molders, coremakers, inspectors and set-up men. The Company contends that the only appropriate unit is one composed of all its employees, excluding molders, coremakers, inspectors, and set-up men.

From 1937 to 1941 the Company recognized the Union as the exclusive collective bargaining representative of all its employees, including the employees in dispute. During negotiations for a new agreement in 1941, the parties disagreed with respect to such employees and they were thereafter excluded from the provisions of the

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<sup>1</sup>The Field Examiner reported that the Union presented 85 authorization cards. There are approximately 106 employees in the appropriate unit.

collective bargaining contract. During negotiations in 1942 and 1943 for new agreements, the Union requested the inclusion of the molders, coremakers, inspectors and set-up men, but the Company steadfastly refused to include such persons. In 1943, the Union and the Company agreed on terms for a new agreement, except with respect to whether or not the coremakers, inspectors, molders, and set-up men should be covered by the agreement. The matter was referred to the National War Labor Board, which in February 1944 refused to assume jurisdiction inasmuch as the controversy was one dealing with an appropriate bargaining unit.

The Company takes the position that some other labor organization might at some future date claim to represent the employees in dispute and further that the inspectors and set-up men are supervisory employees.

The Company employs one person classified as a set-up man. The record indicates that he acts as an assistant foreman and that he has the authority to hire and discharge other employees. We find that the set-up man is a supervisory employee, and as such, we shall exclude him from the unit.

The Company employs one inspector who checks the finished products for defects. The inspector has no contact with any other employees of the Company and does not exercise any supervisory functions. Accordingly, we shall include him in the unit.

Inasmuch as the molders, coremakers, and inspectors have not been covered by the exclusive collective bargaining contracts since 1941, we shall direct a separate election among them so that they may indicate their desires as to whether or not they should be included with the other employees in a single bargaining unit. We shall also direct an election among the remaining employees of the Company.

We shall direct that the question concerning representation which has arisen be resolved by elections by secret ballot among the employees of the Company in the following voting groups 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:

(1) All production and maintenance employees of the Company, excluding watchmen, guards, drawing room and engineering department employees, timekeepers, office and salaried employees, foremen, assistant foremen, supervisors in charge of any classes of labor, molders, coremakers, inspectors, the set-up man, 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;

(2) All molders, coremakers, and inspectors of the Company, excluding the set-up man 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;

Upon the results of the elections will depend our determination of the appropriate unit or units. If the Union receives a majority of the votes cast by the employees in each voting group, they will be considered as constituting together a single unit.

### 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 purposes of collective bargaining with D. T. Williams Valve Company, Cincinnati, Ohio, 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 Ninth 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 each of the two groups described 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 whether or not they desire, in each instance, to be represented by United Steelworkers of America, C. I. O., for the purposes of collective bargaining.