

In the Matter of PACKARD MANUFACTURING COMPANY and UNITED
STEELWORKERS OF AMERICA, C. I. O.

Case No. 9-R-1624.—Decided December 26, 1944

Mr. W. F. Struby, of Indianapolis, Ind., for the Company.

Mr. John Rusak, of Indianapolis, Ind., for the U. S. A.

Messrs. Linn G. Miles and Harry Hudson, of Indianapolis, Ind., for the Teamsters.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Steelworkers of America, C. I. O., herein called the U. S. A., alleging that a question affecting commerce had arisen concerning the representation of employees of Packard Manufacturing Company, Indianapolis, Indiana, 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 Indianapolis, Indiana, on December 14, 1944. At the commencement of the hearing the Trial Examiner granted a motion of Coal, Ice and Building Material Drivers, Local Union No. 716, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. of L., herein called the Teamsters, to intervene. The Company, the U. S. A., and the Teamsters appeared 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

Packard Manufacturing Company is an Indiana corporation operating two plants at Indianapolis, Indiana, where it is engaged in
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the manufacture of electrical equipment, tanks and parts. During the past 12 months the Company purchased raw materials valued in excess of \$100,000, about 70 percent of which was shipped to it from points outside the State of Indiana. During the same period the Company manufactured products valued in excess of \$100,000, about 90 percent of which was shipped to points outside the State of Indiana.

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

II. THE ORGANIZATIONS INVOLVED

United Steelworkers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

Coal, Ice and Building Material Drivers, Local Union No. 716, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On October 4, 1944, the U. S. A. requested the Company to recognize it as the exclusive collective bargaining representative of its employees. The Company refused this request on the ground that it was operating under a contract with the Teamsters.

On December 14, 1943, the Company and the Teamsters entered into an exclusive collective bargaining contract. The contract provides that it shall remain in effect until December 31, 1944, and from year to year thereafter unless notice of a desire to terminate is given by either party thereto not less than 30 days prior to any annual expiration date. The Teamsters contends that its contract is a bar to this proceeding and urges that the petition be dismissed. Inasmuch as the U. S. A. made its claim upon the Company prior to November 30, 1944, the date upon which the contract would have automatically renewed itself, we find the position of the Teamsters to be untenable.

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

¹ The Field Examiner reported that the U. S. A. presented 364 authorization cards bearing the names of persons who appear on the Company's pay roll of October 1, 1944. There are approximately 1,175 employees in the appropriate unit. The Teamsters did not present any evidence of representation but relies upon its contract, alluded to above, as evidence of its interest in the instant proceeding.

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

We find, in agreement with a stipulation of the parties, that all production and maintenance employees of the Company, excluding watchmen, plant guards, salaried and clerical employees, 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.

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 Packard Manufacturing Company, Indianapolis, Indiana, 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 Eleventh 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 United Steelworkers of America, affiliated with the Congress of Industrial Organizations, or by Coal, Ice and Building Material Drivers, Local Union No. 716, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.