

In the Matter of LITCHFIELD MANUFACTURING COMPANY and UNITED
FARM EQUIPMENT AND METAL WORKERS OF AMERICA, C. I. O.

Case No. 18-R-1145.—Decided December 28, 1944

Mr. B. F. Swisher, of Waterloo, Iowa, for the Company.

Mr. Charles W. Hobbie, of Cedar Rapids, Iowa, and *Mr. Hart E. Baker*, of Chicago, Ill., for the Union.

Mr. Harold M. Humphreys, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Farm Equipment and Metal Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Litchfield Manufacturing Company, Waterloo, Iowa, 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 Waterloo, Iowa, on November 29, 1944. The Company and the Union appeared and participated.¹ 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Litchfield Manufacturing Company, located at Waterloo, Iowa, is a corporation engaged in the manufacture of farm implements such as corn pickers, manure spreaders, and farm wagons. For the period

¹ Although duly served with Notice of Hearing, the International Association of Machinists, A. F. L., failed to appear.

from May to October 1944, the Company's net purchases of raw materials, consisting of steel, lumber, and castings, amounted in value to \$286,674, of which 36 percent was shipped from points outside the State of Iowa. For the same period the Company's total sales amounted in value to \$93,737, of which in excess of 55 percent was shipped to points outside the State.

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

II. THE ORGANIZATION INVOLVED

United Farm Equipment and Metal Workers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On October 16, 1944, the Union requested recognition of the Company as the exclusive bargaining representative of its production and maintenance employees. The Company refused to grant this request.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.²

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 substantial agreement with the stipulation of the parties, that all production and maintenance employees of the Company, including watchmen and regular part-time employees, but excluding office and factory clerical employees, executives, foremen 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 an election by secret ballot among the em-

² The Field Examiner reported that the Union submitted 50 application for membership cards dated October 1944, of which 44 bore names appearing on the Company's pay roll of October 19, 1944, which contained the names of 90 employees in the alleged appropriate unit.

ployees 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 Litchfield Manufacturing Company, Waterloo, Iowa, 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 Eighteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 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 or not they desire to be represented by United Farm Equipment and Metal Workers of America, C. I. O., for the purposes of collective bargaining.