

In the Matter of ROBINSON INDUSTRIES, INC., FRANKLIN PLASTIC  
DIVISION and PLASTIC WORKERS ASSOCIATION

*Case No. 6-R-1010.—Decided January 19, 1945*

*Mr. William S. Perry*, of Franklin, Pa., for the Company.  
*Messrs. Andrew K. Smith and Wesley Rodgers*, of Franklin, Pa.,  
for the Independent.

*Mr. A. G. Skundor*, of Pittsburgh, Pa., *Mr. J. A. Kolesar*, of Mead-  
ville, Pa., and *Mr. C. A. Flower*, of Franklin, Pa., for the I. A. M.

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

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Plastic Workers Association, herein called the Independent, alleging that a question affecting commerce had arisen concerning the representation of employees of Robinson Industries, Inc., Franklin Plastics Division, Franklin, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Jerome L. Black, Trial Examiner. Said hearing was held at Franklin, Pennsylvania, on December 12, 1944. At the commencement of the hearing, the Trial Examiner granted a motion of International Association of Machinists, A. F. L., herein called the I. A. M., to intervene. The Company, the Independent, and the I. A. M. appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. During the course of the hearing, the I. A. M. moved to dismiss the petition. The Trial Examiner reserved ruling thereon. The motion is hereby denied. 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:

FINDING OF FACT

I. THE BUSINESS OF THE COMPANY

Robinson Industries, Inc., is a Pennsylvania corporation operating a plant at Franklin, Pennsylvania, known as the Franklin Plastics  
60 N. L. R. B., No. 30.

Division, where it is engaged in the manufacture and sale of plastics. During the 12 months ending August 1, 1944, the Company purchased raw materials for use at its Franklin Plastics Division valued in excess of \$50,000, about 80 percent of which was shipped to it from points outside the Commonwealth of Pennsylvania. During the same period the Company sold products valued in excess of \$50,000, about 85 percent of which was shipped to points outside the Commonwealth of Pennsylvania.

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 is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

Plastic Workers Association is a labor organization, admitting to membership employees of the Company.<sup>1</sup>

## III. THE QUESTION CONCERNING REPRESENTATION

On August 17, 1943, the I. A. M. and the Company entered into a written exclusive collective bargaining contract, effective until August 17, 1944, with the provision for automatic renewal from year to year thereafter, in the absence of written notice to terminate given by either party not less than 30 days prior to August 17, of every year. On July 17, 1944, the Company advised the I. A. M. of its desire to terminate the agreement. On the same day, the Independent requested the Company to grant it exclusive recognition. The Company refused to grant such recognition until such time as the Independent was certified by the Board. None of the parties contends that the contract is a bar to a determination of representatives in this proceeding.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Independent represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>2</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.

<sup>1</sup> The record establishes, contrary to the contention of the I. A. M., that the Independent is a labor organization within the meaning of the Act. The I. A. M.'s motion to dismiss has therefore been denied.

<sup>2</sup> The Field Examiner reported that the Independent presented an authorization petition bearing the names of 35 persons. There are approximately 60 employees in the appropriate unit.

The I. A. M. did not present any evidence of representation, but relies upon the contract, alluded to above, as evidence of its interest in the instant proceeding.

## IV. THE APPROPRIATE UNIT

Although the Independent and the I. A. M. disagree with respect to the terminology to be used to describe the appropriate unit, the Independent contending it should be described in terms of departments, they agree that all production and maintenance employees at the Franklin Plastics Division of the Company, excluding administrative, supervisory, clerical and professional employees, plant guards, policemen, and watchmen, constitute an appropriate unit. The Company takes no position with respect to the unit. The unit agreed to by the Independent and the I. A. M. is the same as that provided for in the contract between the I. A. M. and the Company, alluded to above. The record further indicates that the employees in the claimed unit constitute a well-defined homogeneous group. We shall describe the unit substantially in the terms sought by the I. A. M. since the Independent's language might lead to later confusion.

We find that all production and maintenance employees at the Franklin Plastics Division of the Company, excluding clerical and professional employees, plant guards, policemen, watchmen, administrative 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 Robinson Industries, Inc., Franklin Plastics Division, Franklin, Pennsylvania, 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 Sixth 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 Plastic Workers Association, or by International Association of Machinists, A. F. L., for the purposes of collective bargaining, or by neither.