

In the Matter of ORDNANCE STEEL FOUNDRY COMPANY and UNITED  
FARM EQUIPMENT AND METAL WORKERS OF AMERICA, CIO

Case No. 18-R-1161.—Decided January 25, 1945

*Fyffe & Clarke*, by *Mr. Albert J. Smith*, of Chicago, Ill., and *Messrs. Sam F. Skafidas, H. R. Lang and Jerry L. Campbell*, all of Bettendorf, Iowa, for the Company.

*Meyers & Meyers*, by *Mr. Ben Meyers*, of Chicago, Ill., for the Union.  
*Mr. Harry Nathanson*, 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, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Ordnance Steel Foundry Company, Bettendorf, 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 Davenport, Iowa, on December 29, 1944. The Company and the Union appeared and participated. 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

Ordnance Steel Foundry Company is an Iowa corporation having its principal office and plant located at Bettendorf, Iowa, where it is engaged in the manufacture of war equipment and farm implements. In its operations the Company uses scrap steel as its principal raw

material. For the first 6 months of 1944, the Company purchased raw materials in excess of \$100,000, of which approximately 50 percent was shipped to it from points outside the State of Iowa. For the same period, the total value of its finished products was in excess of \$100,000, of which approximately 50 percent was shipped by it to points outside the State of Iowa.

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

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees until the Union has been certified by the Board in an appropriate unit.

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.<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 Union is now recognized by the Company as the exclusive bargaining representative of its production and maintenance employees, excluding, among others, timekeepers and checkers. In this proceeding the Union seeks to represent all timekeepers, checkers and production checkers employed by the Company, excluding all other office and clerical employees, foremen and assistant foremen. The Union requests that these employees be merged in a single unit with the production and maintenance employees it currently represents, or, if the Board finds that such consolidation is improper, that they should be established as a separate unit. The Company takes the position that timekeepers, checkers and production checkers perform clerical duties of a confidential and managerial nature and consequently may not be represented either separately or as part of a unit of production and maintenance employees.

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<sup>1</sup> The Field Examiner reported that the Union submitted 49 authorization cards and that there were 51 employees in the alleged appropriate unit.

The employees sought by the Union are hourly paid workers, all of whom enjoy substantially the same wages and working conditions. They perform the usual functions associated with their classifications and their duties are clerical in nature. Thus, checkers keep attendance, punctuality and production records of employees, and record the proper rate and method of pay for each operation. Certain of these records are delivered by checkers to the timekeepers who check them against the time cards which they obtain from the racks each day. The results are tabulated and sent to the pay-roll department by the timekeepers, who also make up absentee reports which are forwarded to the personnel department after submission to the proper foremen for signature. Production checkers observe the molds being poured and keep the production department informed as to the number of castings produced so that the production and accounting departments will know how many castings are available for shipment. Records maintained by production checkers also form the basis for inventory data.

From the foregoing facts, we are persuaded that the work of the employees sought by the Union is neither managerial in character nor of a confidential nature relating to the Company's labor policies. Since, however, they are primarily engaged in clerical work and perform functions different from those of the Company's production and maintenance employees, we are of the opinion that they should not be joined with such employees in a single unit.<sup>2</sup>

We find, consequently, that all the Company's timekeepers, checkers and production checkers, excluding all other office and clerical employees, foremen, assistant foremen, and all other supervisory employees with the 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 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.

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<sup>2</sup> See *Matter of Sullivan Drydock and Repair Corp.*, 56 N. L. R. B. 582, and cases cited therein.

## 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 Ordnance Steel Foundry Company, Bettendorf, 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, 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 the 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 those employees 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, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

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