

In the Matter of FARREL-BIRMINGHAM COMPANY, INC., and UNITED
STEELWORKERS OF AMERICA, C. I. O.

Case No. 1-R-2201.—Decided January 29, 1945

Mr. William Larkin, of Waterbury, Conn., for the Company.
Grant & Angoff, by *Mr. Harold Roitman*, of Boston, Mass., for the
Union.

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 Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Farrel-Birmingham Company, Inc., Derby, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Samuel G. Zack, Trial Examiner. Said hearing was held at New Haven, Connecticut, on January 9, 1945. The Company and the Union appeared at and participated in the hearing.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 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

Farrel-Birmingham Company, Inc., operates plants at Buffalo, New York, and at Derby and Ansonia, Connecticut. We are here con-

¹ Although Shop Committee was served with Notice of Hearing, it did not appear.

cerned with its Derby and Ansonia plants, where it is engaged in the manufacture of heavy machinery and castings. From May to October 1944, the Company purchased over \$3,000,000 worth of raw materials, over 50 percent of which was shipped to it from points outside the State of Connecticut. During the same period the Company manufactured products valued at about \$7,000,000, over 50 percent of which was shipped to points outside the State of Connecticut.

The Company admits 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.

The Company refuses to recognize the Union as exclusive collective bargaining representative of the employees at the Derby and Ansonia plants.

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.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 a stipulation of the parties, that all production and maintenance employees at the Derby and Ansonia, Connecticut, plants of the Company, excluding employees in the pattern department, employees in the engineering department, laboratory employees, office and clerical employees, watchmen, guards, executives, foremen, assistant foremen, group leaders, and any 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 single unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

² The Field Examiner reported that the Union presented 569 membership application cards. There are about 1,276 employees in the appropriate unit.

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 Farrel-Birmingham Company, Inc., Derby, Connecticut, 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 First 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 or not they desire to be represented by United Steelworkers of America, C. I. O., for the purposes of collective bargaining.

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