

In the Matter of CORNELL-DUBILIER ELECTRIC CORPORATION and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (AFL)

*Case No. 1-R-2204.—Decided February 19, 1945*

*Mr. Theodore E. Abeel*, of Westport, Mass., for the Company.

*Mr. John J. Regan*, of Boston, Mass., 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 International Brotherhood of Electrical Workers (AFL), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Cornell-Dubilier Electric Corporation, Worcester, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Leo J. Halloran, Trial Examiner. Said hearing was held at Boston, Massachusetts, on January 18, 1945. 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

Cornell-Dubilier Electric Corporation is a Delaware corporation with its principal place of business located at South Plainfield, New Jersey. In the course and conduct of its business, the Company operates several plants in the Commonwealth of Massachusetts and in other States of the United States. We are here concerned with the Worces-

ter, Massachusetts, plant, owned by the Nord Bureau of Ordnance of the United States Government and operated and managed by the Company, which is engaged in the manufacture of condenser type products for the United States Navy. The Company, during the year 1944, purchased for use at the Worcester plant raw materials valued at \$2,500,000, of which 90 percent was purchased outside the Commonwealth of Massachusetts. For the same period the total value of the finished products manufactured at the Worcester plant was in excess of \$5,000,000, of which approximately 80 percent was shipped to points outside the Commonwealth of Massachusetts.

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

## II. THE ORGANIZATION INVOLVED

International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, 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 parties agree, and we find, that all production and maintenance department employees of the Company at the Worcester, Massachusetts plant, including machinists, mechanics, and tool makers, but excluding engineers, laboratory employees, office and clerical workers, draftsmen, watchmen, porters, matrons, foremen, 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

<sup>1</sup> The Field Examiner reported that the Union submitted 531 authorization cards bearing apparently genuine signatures, of which 371 bore names appearing on the Company's pay roll of December 2, 1944, containing the names of 1,168 employees in the unit alleged by the Union to be appropriate. The record discloses that, on January 17, 1945, 200 additional authorization cards were submitted to the Field Examiner, and that, at the hearing herein, 40 additional authorization cards were presented.

of collective bargaining within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

The Company contends that, because its operations are in the process of expansion and it contemplates increasing its complement of employees until approximately 2,200 employees in the appropriate unit are employed, no election should be directed at the present time. However, as of the week ending January 13, 1945, there were between 1,200 and 1,300 employees in the appropriate unit. Since the Company now employs more than 50 percent of its expected full staff of employees in the unit found appropriate, we do not believe that a postponement of an election is warranted.<sup>2</sup>

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.

#### 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 Cornell-Dubilier Electric Corporation, Worcester, Massachusetts, 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 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 International Brotherhood of Electrical Workers (AFL), for the purposes of collective bargaining.

<sup>2</sup> *Matter of Fairchild Aircraft Division*, 50 N L R. B. 113.