

In the Matter of COMMONWEALTH INDUSTRIES, INC. and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, C. I. O.

Case No. 7-R-1913.—Decided March 16, 1945

Mr. Alfred Studer, of Detroit, Mich., for the U. A. W.-C. I. O.

Messrs. James G. Beck and *Andrew Skomski*, of Detroit, Mich., for the Society.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, C. I. O., herein called the U. A. W.-C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Commonwealth Industries, Inc., Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Cecil Pearl, Trial Examiner. Said hearing was held at Detroit, Michigan, on February 19, 1945. At the commencement of the hearing, the Trial Examiner granted a motion of Local No. 8, Society of Tool and Die Craftsmen, herein called the Society, to intervene. The U. A. W.-C. I. O. and the Society 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.

¹ Although the Company was served with Notice of Hearing, it did not appear.
60 N. L. R. B., No. 210.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Commonwealth Industries, Inc., is a Delaware corporation operating a plant at Detroit, Michigan, where it is engaged in heat treating and electroplating shells, shell casings, and tank parts for General Motors Corporation, Kelsey-Hayes Wheel Company, Ford Motor Company, Chrysler Corporation, and other manufacturers of war products. The Company receives about \$1,426,000 annually for its services, 80 percent of which is derived from work performed for war industries. During the 6-month period preceding the hearing, the Company performed operations valued at \$5,000 on goods shipped by it directly to points outside the State of Michigan.

We find that the Company's business affects commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

Local No. 8, Society of Tool and Die Craftsmen, is a labor organization, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On December 1, 1944, the U. A. W.-C. I. O. requested the Company to recognize it as exclusive collective bargaining representative of the Company's employees. The Company did not reply to this request.

On March 26, 1944, the Company and the Society entered into a closed-shop contract covering the employees involved herein. The contract provides that it shall remain in full force and effect until January 15, 1945, and from year to year thereafter. However the agreement "may be terminated by either party giving notice to the other party between December 15 and January 15 of the particular agreement year within which it is given. . . ." Inasmuch as the U. A. W.-C. I. O. made its claim in timely fashion, we find that the contract does not constitute a bar to a present determination of representatives.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the U. A. W.-C. I. O. 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

The U. A. W.-C. I. O. and the Society agree that all hourly rated employees of the Company, excluding clerical, office, and supervisory employees, constitute an appropriate bargaining unit. The Company took no position with respect to the unit. The employees claimed by the U. A. W.-C. I. O. and the Society constitute a well-defined homogeneous group and are the same as those covered by the contract between the Company and the Society, alluded to above.

We find that all hourly rated employees of the Company, excluding clerical and office 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 Commonwealth Industries, Inc., Detroit, Michigan, an election by secret ballot shall be conducted as early as possible, but not later than sixty (60) days from the date of this Direction, under the direction and supervision

² The Field Examiner reported that the U. A. W.-C. I. O. presented 63 authorization cards bearing the names of persons who appear on the Company's pay roll of December 1, 1944. There are approximately 149 employees in the appropriate unit. The Society did not present any evidence of representation but relies upon its contract as evidence of its interest in the instant proceeding.

of the Regional Director for the Seventh 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 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 International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, C. I. O., or by Local No. 8, Society of Tool and Die Craftsmen, for the purposes of collective bargaining, or by neither.