

In the Matter of ALL-AMERICAN METAL PRODUCTS COMPANY, INC.,  
EMPLOYER and STANLEY RYNKIEWICZ, PETITIONER and INTER-  
NATIONAL ASSOCIATION OF MACHINISTS, DISTRICT LODGE No. 1, UNION

*Case No. 4-RD-30.—Decided March 31, 1949*

DECISION  
AND  
DIRECTION OF ELECTION

Upon a decertification petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel.\*

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The Petitioner, an employee of the Employer, asserts that the Union is no longer representative of the Employer's employees as defined in Section 9 (a) of the Act.

3. On February 13, 1948, pursuant to the results of a consent election, the Union was certified as the bargaining agent of the employees in the unit described below. Thereafter, on February 15, 1948, the Employer and the Union entered into a collective bargaining agreement operative until February 15, 1949, subject to automatic renewal unless 60 days' notice of termination was given. On December 13, 1948, by letter, the Union gave such notice of termination to the Employer. No new contract has been entered into and no negotiations have taken place. Neither the Employer nor the Union contend that the contract bars an election. We have previously said that in resolving the issues of "contract bar" in decertification cases the Board applies the same rules of construction as have been and still are applied with respect to petitions for investigation and certification.<sup>1</sup> It is plainly

\*Houston, Reynolds, and Murdock.

<sup>1</sup> *Matter of Hiden Warehouse and Forwarding Company*, 80 N. L. R. B 1587.

evident, and we find, from the above undisputed facts, that no contract is presently in force which might serve as a bar to the instant decertification proceeding.

Accordingly, a question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The following employees constitute an appropriate unit for purposes of collective bargaining, within the meaning of Section 9 (b) of the Act:

All production and maintenance employees at the Employer's Philadelphia, Pennsylvania, plant, excluding office and clerical employees, draftsmen, and all supervisors as defined in the Act.

### DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, as amended, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, 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, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented, for purposes of collective bargaining, by International Association of Machinists, District Lodge No. 1.