

In the Matter of RADIX WIRE COMPANY, EMPLOYER and JASPER ROCCO,
PETITIONER and LOCAL 142, UNITED GAS, COKE AND CHEMICAL
WORKERS OF AMERICA, CIO, UNION

Case No. 8-RD-22.—Decided September 23, 1949

DECISION
AND
DIRECTION OF ELECTION

Upon a petition for decertification duly filed, a hearing was held before Philip Fusco, hearing officer. 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-member panel [Chairman Herzog and Members Houston and Gray].

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

The Union is a labor organization recognized by the Employer as the exclusive bargaining representative for the employees designated in the petition.¹

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

4. We find, as agreed by the parties, that all production and maintenance employees at the Employer's Cleveland, Ohio, wire manufacturing plant, excluding master mechanics, professional and clerical employees, guards, and all supervisors as defined in the Act, consti-

¹ The parties agree, and we find, that the contract between the Employer and the Union is not a bar to this proceeding.

² For reasons stated in earlier decisions in decertification cases, we find no materiality in the Union's contention that the Petitioner is "fronting" for and acting on behalf of a non-complying union. *Matter of Ellis-Klatscher and Co.*, 79 N. L. R. B. 183; *Matter of Whittin Machine Works*, 76 N. L. R. B. 998.

tute a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Radix Wire Company, a separate 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 Eighth Region, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations, among the employees in the voting group described 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 Local 142, United Gas, Coke and Chemical Workers of America, CIO.