

IN the Matter of THE RIVERSIDE METAL COMPANY (KEYSTONE WATCH CASE DIVISION), EMPLOYER AND PETITIONER *and* UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA, AND LOCAL NO. 139 THEREOF *and* INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA, CIO, AND ITS LOCAL NO. 139

Case No. 4-RM-51.—Decided March 8, 1950

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before E. Don Wilson, 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 Styles].

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. United Electrical, Radio and Machine Workers of America, and Local No. 139 thereof, herein jointly called the UE, and International Union of Electrical, Radio and Machine Workers of America, CIO, and its Local No. 139, herein jointly called the IUE-CIO, are labor organizations claiming to represent employees of the Employer.

3. 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. We find no merit in the UE's contention that its contract with the Employer, executed May 1, 1949, to expire April 30, 1950, is a bar to the present proceeding. This contract will expire in less than 2 months. Under these circumstances, we find that the contract is not a bar to a determination of representatives at this time.¹

¹ *General Motors Corporation, et al.*, 88 NLRB 933, and cases therein cited.
88 NLRB No. 204.

4. In accordance with the agreement of the parties, we find that the following employees of the Employer constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All production, maintenance, and office employees at the Keystone Watch Case Division of the Employer's Riverside, New Jersey, watch-making plant, including office and plant clerical employees, and engineering, model making, and standards department employees, but excluding executive secretarial employees in the offices of the vice president, factory superintendent, and technical superintendent, employees in the personnel department, analysts in the standards department, watchmen, executives, department heads, floor supervisors, foremen, assistant foremen, and all other supervisors within the meaning of the Act.

DIRECTION OF ELECTION ²

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, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the payroll period immediately preceding the date of this Direction of Election, including employees who did not work during said payroll 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 they desire to be represented, for purposes of collective bargaining, by United Electrical, Radio and Machine Workers of America, and Local No. 139 thereof, or by International Union of Electrical, Radio and Machine Workers of America, CIO, and its Local No. 139, or by neither.

² The UE contends that the IUE-CIO should not be permitted to use the name Local No. 139, in the election herein directed, alleging that it will confuse and mislead the employees in designating their choice of representatives. This contention is without merit. We have previously found that the use of similarly numbered locals by both the UE and the IUE-CIO will not confuse the voters. See *General Motors Corporation, et al., supra*.