

In the Matter of EASY WASHING MACHINE CORPORATION, EMPLOYER-PETITIONER and INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, CIO, LOCAL 321 and UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA, LOCAL 321

Case No. 3-RM-47.—Decided March 30, 1950

DECISION
AND
DIRECTION OF ELECTION

Upon a 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-member panel [Members Reynolds, Murdock, 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. The labor organization named below claim to represent certain employees of the Employer.
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.¹
4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All production and maintenance employees of the Employer, but excluding foremen, assistant foremen, United States Ordnance Inspectors, time study men, timekeepers, watchmen, guards, clerical and

¹Local 321 U. E. held a contract which has a 60-day automatic renewal provision and which will expire on June 22, 1950. At a meeting on November 11, 1949, the membership of the Local voted unanimously to sever its affiliation with U. E. and to affiliate with I.U.E., C.I.O. Both I.U.E., C.I.O. through its new local, and U.E. through its district representative, have notified the Employer of their claim to represent its employees. In accordance with our decision in *Boston Machine Works Company*, 89 NLRB 59, we find that the existing contract is not a bar to the instant petition.

confidential employees, professional employees, and 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, 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 or not they desire to be represented, for purposes of collective bargaining, by International Union of Electrical, Radio and Machine Workers, CIO, Local 321.²

² In the absence of a clear showing by the UE that its Local 321 is no longer in existence, the UE is omitted from the ballot because of the failure of its Local to comply with the filing requirements in Section 9 (f), (g), and (h) of the Act. In the event that the Local effects compliance with such requirements within 2 weeks from the date of this Direction, the Regional Director is instructed to accord the UE a place on the ballot in the election hereinabove directed.