

In the Matter of EVERS HARP, INC., EMPLOYER AND PETITIONER *and*  
LOCAL 949, UNITED AUTOMOBILE WORKERS OF AMERICA, AFL,  
UNION

*Case No. 13-RM-93.—Decided November 7, 1950*

DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Irving M. Friedman, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.<sup>1</sup>

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Houston and Reynolds].

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

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

2. Novelty Workers Union—Local 44, AFL, claims to represent employees of the Employer.

3. No 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, for the following reasons:

The Employer seeks an election among all production, maintenance, service, and warehouse employees at its Chicago plant, excluding guards and supervisors. The UAW-AFL contends that an election at this time would be premature, because the Employer's operations are in the process of expansion. Novelty Workers Union—Local 44, AFL, is neutral.

In 1948, the Employer had approximately 900 production and maintenance employees at its Chicago plant. At the time of the hearing this number had dwindled to 19, comprising 2 shipping and receiving clerks, 7 packers and order pickers,<sup>2</sup> 1 tool and plant main-

<sup>1</sup> The motion of United Automobile Workers of America, AFL, herein called the UAW-AFL, to dismiss the petition on the ground, among others, that an election now would be premature, is granted for the reasons given in paragraph numbered 3, below.

<sup>2</sup> One of the packers, Frances Koblenz, also spends part of her time on inspection and final assembly of cartridges and pens manufactured for the Employer by another company.

tenance man, 3 stationary engineers and firemen, 1 carpenter and plant maintenance man, 1 elevator operator, 3 janitors, and 1 watchman. Formerly the Chicago plant manufactured the Employer's pen. At the time of the hearing, this plant functioned as little more than a stock and transshipment point. However, an official of the Employer testified that it planned to resume some manufacturing operations at Chicago before the end of 1950. Between 25 and 35 additional employees are expected to be hired initially for these manufacturing operations.<sup>3</sup>

Employees to be hired in the initial stages of the new manufacturing program, disregarding the prospective expansion which may not materialize, will more than double the existing number of employees. The new employees will be primarily machine operators, a classification scarcely represented among the present employees. Under these circumstances, we believe that the Employer's petition was prematurely filed. The present employees are not representative of the larger group of employees who may be expected to be employed in the near future. Accordingly, we shall dismiss the petition without prejudice to the filing of another petition at a more appropriate time.<sup>4</sup>

#### ORDER

IT IS HEREBY ORDERED that the petition filed heren be, and it hereby is, dismissed.

<sup>3</sup> This number may be increased substantially if the Employer is successful in getting a war contract upon which it is working, or if it becomes more difficult to contract out the manufacture of small machine parts.

<sup>4</sup> *Coast Pacific Lumber Co.*, 78 NLRB 1245.