

In the Matter of DAHLSTROM METALLIC DOOR COMPANY and UNITED  
ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA, C. I. O.

*Case No. 3-R-951.—Decided May 12, 1945*

*Mr. J. Russell Rogerson*, of Jamestown, N. Y., for the Company.

*Mrs. Lillie A. Steele*, of Jamestown, N. Y., for the United.

*Mr. Neil J. Cunningham*, of Buffalo, N. Y., for the Federation.

*Mr. Louis Cokin*, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Electrical, Radio & Machine Workers of America, C. I. O., herein called the United, alleging that a question affecting commerce had arisen concerning the representation of employees of Dahlstrom Metallic Door Company, Jamestown, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Francis X. Helgesen, Trial Examiner. Said hearing was held at Jamestown, New York, on March 15, 1945. At the commencement of the hearing the Trial Examiner granted a motion of International Federation of Technical Engineers, Architects, and Draftsmen's Unions, A. F. of L., herein called the Federation, to intervene.<sup>1</sup> The Company, the United, and the Federation appeared at and participated in the hearing and all parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. At the close of the hearing, the Company moved to dismiss the petition. The Trial Examiner reserved ruling thereon. The motion is hereby denied. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

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<sup>1</sup> The Federation intervened solely for the purpose of protecting its interest in the employees covered by a contract between it and the Company. The said employees are not involved in the instant proceeding.

## FINDINGS OF FACT

## I. THE BUSINESS OF THE COMPANY

Dahlstrom Metallic Door Company is a New York corporation operating a plant at Jamestown, New York, where it is engaged in the manufacture of custom built sheet metal products. During 1944 the Company purchased raw materials valued in excess of \$1,000,000, over 80 percent of which was shipped to it from points outside the State of New York. During the same period the Company sold products value in excess of \$3,000,000, substantially all of which was shipped to points outside the State of New York.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATIONS INVOLVED

United Electrical, Radio & Machine Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

International Federation of Technical Engineers, Architects and Draftsmen's Unions is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the United as exclusive collective bargaining representative of the employees involved herein until such time as the Board determines the appropriate unit.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the United represents a substantial number of employees in the group claimed by it.<sup>2</sup>

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

## IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

The Company has recognized the United as exclusive collective bargaining representatives of all its production and maintenance employees, excluding timekeepers, factory clerks, and other enumerated classifications since August 1940. The United now seeks to enlarge the scope of its present bargaining unit by adding thereto timekeepers and factory clerk. The Company contends that the timekeepers and

<sup>2</sup> The Field Examiner reported that the United presented seven application cards. There are approximately nine employees in the group claimed by the United.

factory clerks, together with its other clerical employees, constitute an appropriate unit. However, it stated that in the event the Board found that timekeepers and factory clerks could properly form a part of the larger unit, that it then desired that said employees be merged in the same unit with production and maintenance employees.

The Company employs nine timekeepers and two factory clerks. The timekeepers keep factory records and perform general factory clerical work, such as filing, issuance of material tickets, and making calculations with respect to inventory. Although the timekeepers are subject to the authority of the assistant treasurer of the Company, they work under the immediate supervision of the various foremen in the production departments. They do not set rates for various jobs in the plant. The two factory clerks work in the stockroom and record incoming and outgoing material under the supervision of the stockroom foreman. The timekeepers all work in the plant, as distinguished from the Company's general offices. We conclude that the timekeepers and factory clerks, all being plant clerical employees, may properly form a part of a larger unit presently represented by the United.

We shall, accordingly, direct an election only among the timekeepers and factory clerks so that they may indicate their desires as to whether or not they should be added to the established bargaining unit presently represented by the United.<sup>3</sup>

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees of the Company in the following voting group who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction:

All timekeepers and factory clerks of the Company, excluding the stenographer and clerk to the employment manager, office clerical employees, all other employees, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action.

In the event a majority of the employees select the United as their bargaining representative, they will have thereby indicated their desire to be merged with the employees of the Company now represented by the United.

### DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act,

<sup>3</sup> *Matter of Armour and Company*, 40 N. L. R. B. 1333.

and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Dahlstrom Metallic Door Company, Jamestown, New York, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Third Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the voting group described in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by United Electrical, Radio & Machine Workers of America, C. I. O., for the purposes of collective bargaining.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.