

In the Matter of SWAN ENGINEERING & MACHINE CO. and UNITED  
FARM EQUIPMENT AND METAL WORKERS OF AMERICA, C. I. O.

*Case No. 18-R-1243.—Decided May 30, 1945*

*Huber, Reidy, & Katz, by Mr. Isador I. Katz, of Rock Island, Ill., and Mr. Axel Swan, of Davenport, Iowa, for the Company.*

*Meyers & Meyers, by Mr. Ben Meyers, of Chicago, Ill., for the United.*

*Mr. James Ashe, of St. Paul, Minn., for the I. A. M.*

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

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Farm Equipment and Metal Workers of America, C. I. O., herein called the United, alleging that a question affecting commerce had arisen concerning the representation of employees of Swan Engineering & Machine Co., Davenport, Iowa, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stanley D. Kane, Trial Examiner. Said hearing was held at Davenport, Iowa, on April 26, 1945. At the commencement of the hearing, the Trial Examiner granted a motion of International Association of Machinists, District 102, A. F. of L., herein called the I. A. M., to intervene. The Company, the United, and the I. A. M. 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. 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Swan Engineering & Machine Co., is an Iowa corporation operating a plant at Davenport, Iowa; where it is engaged in the manufacture of gun parts and munitions. During 1944 the Company purchased

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raw materials valued in excess of \$100,000, 90 percent of which was shipped to it from points outside the State of Iowa. During the same period the Company sold products valued at about \$800,000, over 90 percent of which was shipped to points outside the State of Iowa.

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

## II. THE ORGANIZATIONS INVOLVED

United Farm Equipment and Metal Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

International Association of Machinists, District 102, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On March 3, 1945, the United requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request stating that it doubted the United's claim to a majority.

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 unit hereinafter found to be appropriate.<sup>1</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 United and the I. A. M. urge that all production and maintenance employees of the Company, excluding office and clerical employees, draftsmen, foremen, and any other supervisory employees, constitute a unit appropriate for the purposes of collective bargaining. The Company did not take any position with respect to the unit. Evidence introduced at the hearing indicates that the employees claimed by the United and the I. A. M. constitute a well-defined homogeneous group.

We find that all maintenance and production employees of the Company, excluding office and clerical employees, draftsmen, fore-

<sup>1</sup> The Field Examiner reported that the United presented 49 membership application cards bearing names of persons that appear on the Company's pay roll of April 7, 1945. There are approximately 84 persons in the appropriate unit. The I. A. M. presented 11 cards bearing the names of persons on the April 7, 1945, pay roll.

men, and any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit 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.

#### 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, 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 Swan Engineering & Machine Co., Davenport, Iowa, 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 Eighteenth 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 unit found appropriate 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 the 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 they desire to be represented by United Farm Equipment and Metal Workers of America, C. I. O., or by International Association of Machinists, District 102, A. F. of L., for the purposes of collective bargaining, or by neither.