

In the Matter of VARD, INC. and MECHANICS EDUCATIONAL SOCIETY OF  
AMERICA, LOCAL 75

*Case No. 21-R-2933.—Decided August 27, 1945*

*Dick Coleman and Associates*, by *Mr. Dick Coleman*, of Los Angeles, Calif., and *Mr. Arthur Hailey*, of Pasadena, Calif., for the Company.

*Messrs. K. E. Pauli and Richard Franklin*, of Los Angeles, Calif., for the M. E. S. A.

*Mr. Archie B. Patterson*, of Los Angeles, Calif., for the U. A. W.

*Mr. Joseph D. Manders*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Mechanics Educational Society of America, Local 75, herein called the M. E. S. A., alleging that a question affecting commerce had arisen concerning the representation of employees of Vard, Inc., Pasadena, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before David Aaron, Trial Examiner. Said hearing was held at Los Angeles, California, on July 3, 1945. The Company, the M. E. S. A., and the United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO),<sup>1</sup> herein called the U. A. W., appeared and participated. 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 an 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

Vard, Inc., a California corporation, is engaged in the manufacture of hydraulic and gear activators and valves, drafting machines, navi-

<sup>1</sup> The CIO's motion to intervene was granted.

gational plotters, gages, and optical parts. Its principal place of business, located in Pasadena, California, is involved in this proceeding. The Company annually purchases materials and parts, valued in excess of \$400,000, practically all of which are shipped from points inside the State of California. The Company's annual sales are in excess of \$2,000,000, approximately 40 percent of which is shipped to points outside the State of California; and its remaining sales are to intrastate customers who are engaged in interstate commerce.

The Company admits that its operations affect commerce within the meaning of the National Labor Relations Act, and we so find.

## II. THE ORGANIZATIONS INVOLVED

Mechanics Educational Society of America, Local 75, is a labor organization admitting to membership employees of the Company.

United Automobile, Aircraft & Agricultural Implement Workers of America (UAW), affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the M. E. S. A. as the exclusive bargaining representative of its production and maintenance employees until the M. E. S. A. has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the M. E. S. A. represents a substantial number of employees in the unit hereinafter found appropriate.<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 parties stipulated and we find that all employees of the Company, excluding office employees, guards, nurses, temporary employees, personnel department employees, secretaries to supervisory employees,

<sup>2</sup> The Field Examiner reported that the M. E. S. A. submitted 208 application cards, 180 of which bore apparently genuine original signatures of persons appearing on the Company's pay roll of May 15, 1945, which contained the names of 233 employees in the appropriate unit; and that the cards were dated from February to June 1945, inclusive. Twenty cards were undated.

The U. A. W. submitted 58 application cards, 53 of which bore apparently genuine original signatures. The names of 53 persons appearing on the cards were listed on the aforesaid pay roll. The cards were dated December 1944 and from January to May 1945, inclusive. Five cards were undated.

The International Association of Machinists, A. F. L., United Electrical, Radio & Machine Workers, C. I. O., United Mine Workers of America, L. A. Industrial Council, CIO, and Central Labor Council, AFL, were requested to submit representation evidence, but did not do so.

engineering department employees, executives, foremen, group leaders, small department heads, other supervisory employees above the grade of leadman, and all other supervisory employees who have 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.<sup>3</sup>

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by 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 Vard, Inc., Pasadena, California, 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 Twenty-first 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 Mechanics Educational Society of America, Local 75, or by United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO), for the purposes of collective bargaining, or by neither.

<sup>3</sup> The Company submitted in evidence a list of the names of employees of the Company who fall within the unit agreed upon