

In the Matter of RED LION TOOL AND ENGINEERING COMPANY and  
UNITED STEELWORKERS OF AMERICA, C. I. O.

*Case No. 4-R-1798.—Decided August 29, 1945*

*Kain, Kain & Kain*, by *Mr. George H. Kain*, of York, Pa., for the Company.

*Mr. Arthur F. Johnston*, of York, Pa., for the Union.

*Miss Ruth E. Bliefeld*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Red Lion Tool and Engineering Company,<sup>1</sup> Red Lion, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. Said hearing was held at York, Pennsylvania, on July 30, 1945. The Company and the Union<sup>2</sup> 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 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

Red Lion Tool and Engineering Company, a Pennsylvania corporation, operates a plant at Red Lion, Pennsylvania, where it is engaged

<sup>1</sup> The name of the Company appears in the caption and body of this Decision as it was amended at the hearing

<sup>2</sup> District 98 of the International Association of Machinists filed a waiver of any claim to representation of employees involved herein, which was admitted into evidence at the hearing.

in the manufacture and distribution of tools, jigs, fixtures, and metal stampings. The principal raw materials used by the Company are tool steel, sheet steel, and cold rolled steel. Purchases of raw materials during the calendar year 1944 totaled between \$25,000 and \$35,000. The finished products produced by the Company during the same period were valued at approximately \$450,000 to \$500,000, approximately 25 percent of which was shipped from the plant to points outside the Commonwealth of Pennsylvania.

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

#### II. THE ORGANIZATION INVOLVED

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

#### III. THE QUESTION CONCERNING REPRESENTATION

On June 22, 1945, the Union notified the Company of its claim to represent a majority of the Company's employees in the unit alleged by the Union to be appropriate and requested recognition as the exclusive bargaining representative of these employees. The Company has, however, refused to grant such recognition until the Union 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 Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>3</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

We find, in accordance with the stipulation of the parties, that all production and maintenance employees of the Company at its plant in Red Lion, Pennsylvania, excluding guards, office employees, clerical employees, executives, foremen, and all 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.

<sup>3</sup> The Field Examiner reported that the Union submitted 51 application for membership cards, that the names of all persons appearing on the cards were listed on the company's pay roll which contained the names of 65 employees in the appropriate unit; and that all the cards were dated June 1945.

## 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 Red Lion Tool and Engineering Company, Red Lion, Pennsylvania, 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 Fourth 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 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, to determine whether or not they desire to be represented by United Steelworkers of America, C. I. O., for the purposes of collective bargaining.