

In the Matter of SOYBEAN PROCESSING COMPANY *and* UNITED
PACKINGHOUSE WORKERS OF AMERICA, C. I. O.

Case No. 18-R-1305.—Decided September 26, 1945

Mr. George E. Pike, of Waterloo, Iowa, for the Company.

Mr. Edward R. Fitzpatrick, of Des Moines, Iowa, for the C. I. O.

Mr. Lester Stewart, of Waterloo, Iowa, for the A. F. of L.

Mr. John E. Lawyer, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Packinghouse Workers of America, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Soybean Processing Company, Waterloo, Iowa, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stephen M. Reynolds, Trial Examiner. Said hearing was held at Waterloo, Iowa, on June 26, 1945. At the commencement of the hearing, the Trial Examiner granted a motion of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 650, A. F. of L., herein called the A. F. of L., to intervene. The Company, the C. I. O., and the A. F. of L. 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

Soybean Processing Company is an Iowa corporation and is a wholly owned subsidiary of The Borden Company, a New Jersey corporation.

The Company has its principal office and place of business at Waterloo, Iowa, where it is engaged in the manufacture of soybean oil, meal, and a line of vitamin fortified supplements or feed concentrates. The Waterloo, Iowa, plant is the only plant of the Company. The Company annually purchases raw materials, chiefly soybeans, valued at approximately \$2,500,000, of which about \$500,000 worth is purchased outside the State of Iowa. Annual sales amount to \$3,500,000, of which approximately 80 percent is shipped to points outside the State.

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

II. THE ORGANIZATIONS INVOLVED

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

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 650, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On May 7, 1945, the C. I. O. requested recognition as the exclusive bargaining agent of certain of the Company's employees. The Company refused such recognition because of its contract with the A. F. of L.

Following a consent election, held under Board auspices, the A. F. of L. was designated by the Regional Director on April 30, 1944, as the exclusive bargaining representative of employees of the Company,¹ and thereafter entered into a contract with the Company, the terms of which stated that it was to expire on September 4, 1945. The A. F. of L. contends that this contract is a bar to the instant proceeding. We find no merit to this contention inasmuch as the contract has expired.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the C. I. O. represents a substantial number of employees in the unit hereinafter found appropriate.²

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.

¹ Case No. 18-R-1016.

² The Board agent reported that the C. I. O. submitted 26 application-for-membership cards. There are 37 employees in the unit hereinafter found to be appropriate. The A. F. of L. relies upon its contract for its interest in the proceeding.

IV. THE APPROPRIATE UNIT

We find, in substantial accordance with the agreement of the parties, that all employees of the Company, excluding office and clerical employees, timekeepers, technical men, chemists, bean graders and weigh masters, guards and watchmen, temporary 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, 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 Soybean Processing Company, Waterloo, 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 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 Packinghouse Workers of America, C. I. O., or by International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 650, A. F. of L., for the purposes of collective bargaining, or by neither.