

In the Matter of UNIQUE MANUFACTURING COMPANY, EMPLOYER and
ALEX GEORGE, PETITIONER and LOCAL 1119, UNITED ELECTRICAL,
RADIO AND MACHINE WORKERS OF AMERICA, CIO, UNION

Case No. 13-RD-3.—Decided February 26, 1948

*Messrs. Otto A. Jaburek and Eugene E. Goller, of Chicago, Ill.,
for the Employer.*

Mr. Alex George, of Chicago, Ill., for the Petitioner.

DECISION

AND

DIRECTION OF ELECTION

Upon a petition for decertification duly filed, hearing in this case was held at Chicago, Illinois, on October 30, 1947, before Gustaf B. Erickson, hearing officer.¹ The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Unique Manufacturing Company, an Illinois corporation having its only plant in Chicago, Illinois, is engaged in the manufacture of blow torches, fire pots, cable splicers, and accessories. During the last calendar year, the Employer used raw materials, consisting principally of steel and brass, valued in excess of \$50,000, approximately 40 percent of which was purchased from sources outside the State of Illinois. During the same period the Employer's finished products exceeded in value \$100,000, of which over 70 percent represented shipments to customers located outside the State of Illinois.

The Employer admits and we find that it is engaged in commerce within the meaning of the Act.

¹ Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the National Labor Relations Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members [Houston, Reynolds, and Gray].

II. THE PARTIES INVOLVED

The Petitioner, an employee of the Employer, asserts that the Union is no longer the representative of the Employer's employees as defined in Section 9 (a) of the amended Act.

The Union, a labor organization affiliated with the Congress of Industrial Organizations, is the recognized representative of employees of the Employer.²

III. THE QUESTION CONCERNING REPRESENTATION

On October 31, 1946, the Employer and the Union entered into a collective bargaining contract for 1 year, renewable thereafter automatically from year to year, unless notice was given by either party 30 days prior to such termination date of a desire to modify or terminate the agreement. On August 28, 1947, the Employer notified the Union that, in conformity with the provisions of the agreement, it was terminating the contract as of October 31, 1947.³ The Union acknowledged this letter on September 9, 1947, and suggested that a conference be arranged on September 16, 1947, presumably for the purpose of formally terminating the contract. Subsequent to this time, there has been no meeting between the Union and the Employer, and no new contract has been executed. On October 1, 1947, the Petitioner filed the instant petition with the Board.

We find that a question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

We find, substantially in accordance with the agreement of the parties at the hearing, that all employees of the Employer, excluding guards, professional employees, and supervisors, as defined in the amended Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.⁴

We shall direct an election in this proceeding. Although the Union has not complied with the registration requirements of the Act, for reasons stated in an earlier proceeding,⁵ we shall place the Union's name on the ballot.⁶

² The Union was served with a notice of hearing herein, but did not appear.

³ None of the parties contends that the contract is a bar to this proceeding.

⁴ This is virtually the unit provided for in Section 2 of Article 1 of the Employer's contract with the Union. The description has been changed slightly to conform with the provisions of the amended Act.

⁵ *Matter of Harris Foundry & Machine Company*, 76 N L R B 118.

⁶ Under our policy, the Union would be certified if it wins the election, *provided* that at that time it is in compliance with Section 9 (f) and (h) of the Act. Absent such compliance, the Board would only certify the arithmetical results of the election.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Unique Manufacturing Company, Chicago, Illinois, 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 Thirteenth Region, and subject to Sections 203.61 and 203.62, of National Labor Relations Board Rules and Regulations—Series 5, 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, 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, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented by Local 1119, United Electrical, Radio and Machine Workers of America, CIO, for the purposes of collective bargaining.