representatives to NABET for such unit which the Board in that event finds to be appropriate for purposes of collective bargaining. In the event a majority of the employees do not select NABET in both of the voting groups, but do select NABET or IATSE in either voting group, the employees will be taken to have indicated their preference for separate bargaining units, and the Regional Director is instructed to issue a certification of representatives to NABET and/or IATSE, as the case may be, for the separate unit or units which the Board finds in such circumstances to be appropriate for purposes of collective bargaining.

[Text of Direction of Elections omitted from publication in this volume.]

Members Murdock and Rodgers took no part in the consideration of the above Decision and Direction of Elections.

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CLEVELAND WELDING COMPANY d/b/a A. M. & F. PRODUCTS *and* UNITED AUTOMOBILE WORKERS OF AMERICA (UAW-AFL). Case No. 21-RC-3155. August 28, 1953

## DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Leo Fischer, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.[1]

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Farmer and Members Styles and Peterson].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.

2. The labor organizations involved claim to represent certain employees of the Employer.[2]

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[1] At the hearing the petition and other formal papers were amended to show the correct name of the Employer.

[2] The hearing officer, while permitting the International Association of Machinists, herein called the IAM, to participate fully in the hearing, referred to the Board the IAM's motion to intervene. The IAM has a contract covering the production and maintenance employees at the Employer's Cleveland, Ohio, plant. The employees sought in this proceeding work at the Employer's plant in Pomona, California. As the contract with the Employer was executed before the Employer purchased the plant in Pomona, it cannot bar the instant petition The Hertner Electric Company, 99 NLRB 567; American Can Company, 98 NLRB 1190. As the IAM's contract with the Employer does not cover any of the employees in the requested unit, and as it has made no other showing of interest among these employees, the IAM's motion to intervene is hereby denied. Cf. The Wilson H. Lee Company, 97 NLRB 1023; Bethlehem Steel Company, Shipbuilding Division, 97 NLRB 1072.

3. 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.

4. We find that all production, maintenance, warehousing, and shipping employees at the Employer's Pomona, California, plant, including truckdrivers, but excluding office clerical, confidential, and professional employees, watchmen, guards, and supervisors, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

5. The hearing officer referred to the Board the Employer's motion to dismiss the petition on the ground that it is premature because of a contemplated expansion in the size of the unit. At the time of the hearing on July 21, 1953, the Employer was engaged in the assembling and painting of bicycles at its Pomona plant. The Employer started its Pomona operations in March 1953 with 7 employees. At the time of the hearing, it had 25 employees. The Employer expects to hire about 75 more employees by December 1953. The record does not show that any new work classifications will be hired different from those now working at the plant.

We shall provide for an election to be held by December 15, 1953, or on such earlier date, to be selected by the Regional Director, as it shall appear that a substantial and representative number of employees are then employed.[3] We believe that the working force which will be employed when the election directed herein is held, will be a substantial and representative segment of the employees to be employed in the voting group for a reasonable time in the future. Accordingly, the Employer's motion to dismiss is hereby denied.[4]

[Text of Direction of Election omitted from publication.]

[3] Eligibility shall be determined by the payroll period immediately preceding the issuance of a notice of election.

[4] Pershing Avenue Corporation, 98 NLRB 148; Oliver Iron and Steel Corporation, Berry Division, 98 NLRB 1110; Chrysler Corporation, Michaud Ordnance Plant, 98 NLRB 1105.

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ROCKWOOD & COMPANY *and* INTERNATIONAL BROTHERHOOD OF FIREMEN, OILERS AND MAINTENANCE MECHANICS, LOCAL UNION NO. 56, AFL, Petitioner. Case No. 2-RC-5768. August 28, 1953

## DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Max Dauber, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.



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