

In the Matter of INGERSOLL-RAND COMPANY and UNITED ELECTRICAL,
RADIO & MACHINE WORKERS OF AMERICA, C. I. O.

Case No. 3-R-1105.—Decided January 30, 1946

Mr. James McFadden, by Mr. James L. Burke, of Elmira, N. Y., and Mr. C. L. Parsons, of Painted Post, N. Y., for the Company.

Mr. Charles Rivers, of Syracuse, N. Y., and Mr. Ben Kriesberg, of Corning, N. Y., for the Union.

Mr. Warren H. Leland, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Electrical, Radio & Machine Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Ingersoll-Rand Company, main plant, Painted Post, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Francis Helgesen, Trial Examiner. The hearing was held at Corning, New York, on November 20, 1945. The Company and the Union 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

Ingersoll-Rand Company is a New Jersey corporation operating plants in the State of New Jersey, in the Commonwealth of Pennsylvania, and at Painted Post, New York, which is the sole plant involved in this proceeding. The Company, at its Painted Post plant, is engaged in the manufacture and sale of air and gas compressors. During

the year 1944, the Company purchased raw materials for use at the Painted Post plant, valued in excess of \$5,000,000, of which more than 75 percent was purchased from points outside the State of New York. During the year 1944, the Company sold manufactured products valued in excess of \$5,000,000, of which more than 75 percent was sold and shipped to points located outside the State of New York.

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

II. THE ORGANIZATION INVOLVED

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

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees 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.¹

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

Substantially in accordance with the agreement of the parties at the hearing, we find that all production and maintenance employees of the Company at its Painted Post main plant, including inspectors, janitors, truck drivers, timekeepers, and expeditors, but excluding office and clerical employees, time-study men, production and maintenance employees employed in the foundry, foremen, working leaders, and all other supervisory employees having 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 an election by secret ballot among employees

¹ The Field Examiner reported that the Union submitted 600 authorization cards, bearing the names of employees listed on the Company's pay roll of October 7, 1945.

There are approximately 854 employees in the appropriate unit.

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 Ingersoll-Rand Company, main plant, Painted Post, New York, 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 Third 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 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 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 Electrical, Radio & Machine Workers of America, C. I. O., for the purposes of collective bargaining.