

the meaning of Section 9(b) of the Act: All production and maintenance employees at the Employer's Huntington, New York, plant, including the shipping clerks, stock clerks, storekeepers, stock crib attendants, toolmaker, assembler technicians, testers, and including in the electronics division, the engineering clerk, the clerk in the engineering department, the clerk typist in the production department, the clerk typist in the engineering department, and including in the fluid systems division, the clerk scheduling, the expediter, the shop release clerk, the chief shipping clerk, the blueprint control clerk, the clerk typist in the manufacturing-engineering section, the secretary in the inspection department, the secretary in engineering, the production inspector, Alan Morton, production inspectors, the leadmen, Olof Ericsson, and Alfred Lasda, the setup leadman Arnold Eisman, the screw machine operator, Herbert Luning, working leadmen, and setup working leadmen, but excluding in the electronics division, the material coordinators, the production coordinators, the working foremen, the working supervisor, the junior designers, the senior draftsmen, the draftsmen, the junior draftsmen, the technical illustrator, the senior electronic technicians, electronic technicians, junior electronic technicians, mechanical technicians, senior test technicians, test technicians grade I, test technicians grade II, engineers, employees of the sales and administrative departments, and excluding in the fluid systems division, the shop controllers, the designer, Robert Smith, designers, estimators, methods men, draftsmen in engineering, design engineer, specifications reviewer, employees of the sales, accounting, customer services, personnel and purchasing departments, and all office clerical employees, technical employees, professional employees, watchmen, guards, section heads, working foremen, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

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**Harry F. Shuey and Marion M. Shuey, d/b/a Oakwood Tool and Engineering Company and Marvin W. Wahler, Petitioner and International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local No. 888, UAW, AFL-CIO, successor to Miami Valley Tool and Die Workers Guild (Independent). Case No. 9-RD-201. December 31, 1958**

#### DECISION AND DIRECTION OF ELECTION

Upon a decertification petition duly filed under Section 8(c) of the National Labor Relations Act, a hearing was held before 122 NLRB No. 93.

Clifford L. Hardy, hearing officer.<sup>1</sup> The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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 Leedom and Members Bean and Fanning].

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 organization involved claims to represent certain employees of the Employer.<sup>2</sup>

3. On April 30, 1957, the Board certified Miami Valley Tool and Die Workers Guild, (Independent), herein called the Guild, as bargaining representative for the employees involved in this proceeding. No contract has been executed since that time.

International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local No. 888, UAW, AFL-CIO, herein called the UAW, was permitted to intervene at the hearing on its claim to successorship of the Guild certification. The hearing officer, however, denied the UAW's motion to amend the petition and other formal papers to show a change in the name of the certified union. He referred to the Board the UAW's motion that its name be placed on the ballot in any election directed by the Board. For the reasons stated below, this motion is hereby granted.

The record shows that during the summer of 1958, the Guild decided that it could serve its members more effectively if it affiliated with a larger union. After investigation, by a number of officers and members of the Guild, it was decided to affiliate with the UAW. A resolution to that effect was prepared and sent to all members of the Guild, who were advised that this resolution would be discussed and voted on at a subsequent membership meeting.<sup>3</sup> At a meeting held on August 13, the resolution was adopted by a vote of 146 for, and 14 against, affiliation with the UAW.<sup>4</sup> The Guild then applied to the UAW for a charter, which was received about August 18. There is no evidence of any activity

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<sup>1</sup> At the hearing, the petition and other formal papers were amended to show the correct name of the Employer. The name of the Union in the caption is amended in accordance with our findings hereinafter.

<sup>2</sup> The Petitioner, an employee of the Employer, asserts that the certified union is no longer the bargaining representative, as defined in Section 9(a) of the Act, of the employees involved herein.

<sup>3</sup> Guild members were advised of the meeting by the regular Guild publication, by notices posted on plant bulletin boards, and by an extensive telephone campaign encouraging members to attend the meeting.

<sup>4</sup> The resolution empowered the officers to notify all employers of the change in affiliation, and to petition the National Labor Relations Board to substitute the UAW for the Guild on all certifications.

on the part of the Guild since that time. Substantially all officers of the Guild are now officers of the UAW.

The record indicates that the Guild is now defunct and that the UAW is the successor to the Guild. Accordingly, 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. We shall place the UAW on the ballot in the election directed below but, in order to avoid any possible confusion, we shall indicate on the ballot that the UAW is successor to the Guild.<sup>5</sup>

4. The Petitioner requests that decertification election be held in the certified unit. The Union would exclude tool designers from the unit in which they have been included, on the ground that they are technical employees. It is now established Board policy that a decertification election will be directed only in the recognized or certified unit.<sup>6</sup> We shall therefore, include tool designers in the unit.

We find that all employees of the Employer at its Dayton, Ohio plant, including tool crib attendants and tool designers, but excluding office clerical and professional employees, guards, and supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

[Text of Direction of Election omitted from publication.]

<sup>5</sup> Cf. *Suburban Propane Gas Corporation*, 86 NLRB 1232.

<sup>6</sup> *Campbell Soup Company*, 111 NLRB 234; *Westinghouse Electric Corporation*, 115 NLRB 530.

**W. P. Fuller & Company, Petitioner and Hawaii Teamsters and Allied Workers, Local 996 and United Brotherhood of Carpenters & Joiners of America, Local No. 745. Case No. 37-RM-21. December 31, 1958**

### DECISION AND ORDER

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

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 Leedom and Members Bean and Fanning.]