

IT IS FURTHER RECOMMENDED that: (1) the ballot of Henry Dillon cast in the election of June 4, be opened and counted, and that, if it is thereby determined that the Union has obtained a majority of the votes, the Union be certified as the representative of Respondent's employees in the unit heretofore found to be appropriate; (2) the challenges to the ballots of John Castellanos and Roy Noy be sustained; and (3) if, after counting the ballots of all eligible voters in said election, it is determined that there is no majority for the Union, the election be set aside and the representation case be remanded to the Regional Director for Region 2 to conduct a new election at such time as he deems that circumstances permit a free choice of a bargaining representative.

APPENDIX

NOTICE TO ALL EMPLOYEES

Pursuant to the Recommended Order of a Trial Examiner of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify our employees that:

WE WILL NOT threaten to close our plant because of employee union activities or coercively interrogate our employees about their union sentiments, or offer them inducements to refrain from union activities, or withdraw privileges from our employees because of their union activities.

WE WILL NOT in any like manner interfere with, restrain, or coerce our employees in the exercise of their right to self-organization, to form, join or assist Amalgamated Jewelry, Diamond & Watchcase Workers Union, Local 1, International Jewelry Workers Union, AFL-CIO, or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, except as permitted by the provisos in Section 8(a)(3) of the Act.

MODERN SETTINGS, INC.,
Employer.

Dated----- By-----
(Representative) (Title)

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

If employees have any question concerning this notice or compliance with its provisions, they may communicate directly with the Board's Regional Office, Fifth Floor, Squibb Building 745 Fifth Avenue, New York, New York, Telephone No. 751-5500.

Ambassador Steel Co., Inc. and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, Petitioner. Case No. 7-RC-7063.
June 6, 1966

DECISION AND ORDER DIRECTING HEARING

Pursuant to a stipulation for certification upon consent election approved November 3, 1965, an election by secret ballot was conducted on November 15, 1965, under the direction and supervision of the Acting Regional Director for Region 7, among the employees in the stipulated unit. At the conclusion of the election, the parties were furnished with a tally of ballots which showed that there were approximately 47 eligible voters, and that 48 ballots were cast, of which 20 were for, and 19 were against, the Petitioner; with 9 chal-

lenged ballots. The challenged ballots were sufficient in number to affect the results of the election. No objections to the conduct of the election or conduct affecting the results of the election were filed with the Regional Office within the time limit provided therefor.

In accordance with the National Labor Relations Board Rules and Regulations, the Acting Regional Director conducted an investigation and, on February 9, 1966, issued and duly served upon the parties his report on challenged ballots in which he recommended that the challenges to the ballots of Bishop, Robert M. Smith, Costello, and Vickers be sustained and that the challenges to the ballots of Zeff, Robert C. Smith, and Reuter be overruled. He further recommended that should the ballots of Crabtree and Kelly still be determinative of the results of the election, a hearing be held as to their eligibility. Thereafter, the Employer filed timely exceptions only to the Acting Regional Director's recommendations, concerning the challenges to the ballots of Vickers, Robert C. Smith, Reuter, Crabtree, and Kelly.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Chairman McCulloch and Members Fanning and Jenkins].

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

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

2. The Petitioner is a labor organization claiming to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of the employees of the Employer within the meaning of Sections 9(c) (1) and 2(6) and (7) of the Act.

4. The parties stipulated, and we find, that the following employees constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act: all production and maintenance employees employed by Ambassador Steel Co., Inc., at its places of business located at 12211 Coyle, and 13900 Shirley, Detroit, Michigan, including janitors, but excluding office clerical employees, professional employees, truck drivers, guards and supervisors as defined in the Act.

5. The Board has considered the Regional Director's report and the exceptions thereto, and hereby adopts the Acting Regional Director's findings and recommendations, as hereinafter modified.

We agree with the Acting Regional Director that material credibility and factual issues exist as to both Crabtree and Kelly which can best be resolved by a hearing. We further find, contrary to the

Acting Regional Director's recommendation that the status of Reuter, Robert C. Smith, and Vickers should also be determined by a hearing. The Employer strongly contends in its exceptions to the Regional Director's report that Robert C. Smith and Reuter performed exactly the same functions as Crabtree and Kelly, although on different shifts. Kelly allegedly worked on the day shift and Reuter on the night shift at the Coyle Plant; and Crabtree on the day shift and Robert C. Smith on the night shift at the Shirley Plant. The Regional Director's report, however, is silent as to the supervisory status of Robert C. Smith and Reuter except for the ambiguous statement that "the evidence delineating the duties and responsibilities of the . . . men showed them to come expressly within the unit." There is no indication that an investigation was conducted as to their supervisory status. In view of these circumstances we believe it necessary that a hearing be held to determine the status of Crabtree, Kelly, Robert C. Smith, and Reuter. The Acting Regional Director also has recommended that Vickers be found a supervisor within the meaning of the Act, and that, therefore, the challenge to his ballot be sustained. The Employer alleges that Vickers and Reuter are employed on a shift which, since November 8, has included only one other person. As Vickers' status seems to be related to that of Reuter, we shall direct that the former's status also be included in the hearing.

Accordingly, since material and substantial factual issues exist as to the status of Crabtree, Kelly, Robert C. Smith, Reuter, and Vickers, we shall order a hearing be held to determine their eligibility.

[The Board ordered that a hearing be held to resolve the issues as to the eligibility of Crabtree, Kelly, Robert C. Smith, Reuter, and Vickers to vote at the election.]

[The Board further ordered that the Hearing Officer, serve on the parties a report containing resolutions of credibility of witnesses, findings of fact, and recommendations to the Board as to the disposition of said issues. Within 10 days from the date of issuance of such report, either party may file with the Board in Washington, D.C., an original and seven copies of exceptions. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy on the other party, and shall file a copy with the Regional Director. If no exceptions are filed, the Board will adopt the Hearing Officer's recommendations.]

[The Board further ordered the above-entitled matter be referred to said Regional Director for the purpose of conducting such hearing and authorizing notice.]