

**In the Matter of OTIS ELEVATOR COMPANY and INTERNATIONAL FED-  
ERATION OF ARCHITECTS, ENGINEERS, CHEMISTS, AND TECHNICIANS,  
CIO, METROPOLITAN CHAPTER 31**

*Case No. 2-R-4452.—Decided February 29, 1944*

*Mr. Fayette S. Dunn and Mr. William C. Blackwood, of New York  
City, for the Company.*

*Mr. Thomas R. Sullivan, of New York City, for the Union.*

*Mr. William Strong, of counsel to the Board.*

**DECISION**

AND

**DIRECTION OF ELECTION**

**STATEMENT OF THE CASE**

Upon a petition duly filed by International Federation of Architects, Engineers, Chemists, and Technicians, CIO, Metropolitan Chapter 31, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Otis Elevator Company, New York City, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before David H. Werther, Trial Examiner. Said hearing was held at New York City, on February 1, 1944. 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 an 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**

Otis Elevator Company is a New Jersey corporation with plants in the States of New York and New Jersey, where it is engaged in the design, construction, sale, and distribution of elevators, escalators, and airplane parts. The Company maintains an engineering department

in New York City, with which this proceeding is concerned. During the past 12 months, the Company purchased raw materials for use in its New York and New Jersey plants, valued in excess of \$1,000,000, approximately 75 percent of which was shipped to the plants from points outside those States, and manufactured products valued in excess of \$1,000,000, over 75 percent of which was shipped to points outside the States of New York and New Jersey.

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

## II. THE ORGANIZATION INVOLVED

International Federation of Architects, Engineers, Chemists, and Technicians, Metropolitan Chapter 31 affiliated with the Congress of Industrial Organizations, is a labor organization 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 the Company's employees in New York 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.<sup>1</sup>

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

We find, in substantial agreement with a stipulation of the parties, that all engineers, draftsmen, designers and technicians in the engineering department of the Company at its headquarters office in New York City, excluding clerical, maintenance, and all supervisory employees with 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 the em-

<sup>1</sup> The Field Examiner reported that the Union submitted 144 authorization cards all of which bore names of employees in the alleged appropriate unit, which contains 409 persons.

ployees 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.<sup>2</sup>

### 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, it is hereby

**DIRECTED** that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Otis Elevator Company, New York City, 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 Second 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 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, 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 International Federation of Architects, Engineers, Chemists, and Technicians, Metropolitan Chapter 31, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

**MR. JOHN M. HOUSTON** took no part in the consideration of the above Decision and Direction of Election.

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<sup>2</sup> The parties stipulated that included among the supervisory employees are F. Hymans and Geo. Lautrup.