

In the Matter of INTERNATIONAL HARVESTER COMPANY and DIE
SINKERS LOCAL No. 527, AFFILIATED WITH THE AMERICAN FED-
ERATION OF LABOR

Case No. R-593.—Decided April 11, 1938

Farm Machinery Industry—Motor Truck Industry—Investigation of Representatives: controversy concerning representation of employees: rival organizations; refusal by employer to recognize petitioning union as bargaining agency of employees in unit claimed by petitioning union—*Unit Appropriate for Collective Bargaining:* employees working on dies to complete forgings, exclusive of executives, clerical help, foremen, and all other employees engaged in a supervisory capacity; stipulation of parties as to—*Representatives:* proof of choice: comparison of pay roll with official union records; no controversy as to—*Certification of Representatives:* upon proof of majority representation.

Mr. Walter B. Chelf, for the Board.

Mr. George Hodge, of Chicago, Ill., for the Company.

Mr. J. G. Meiner, of Cleveland, Ohio, for Local No. 527.

Mr. E. J. Gildea, of Fort Wayne, Ind., for the Independent.

Mr. C. R. Shrock, of Fort Wayne, Ind., for Local No. 57.

Mr. Howard Lichtenstein, of counsel to the Board.

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

On August 21, 1937, Die Sinkers Local No. 527, affiliated with the American Federation of Labor, herein called Local No. 527, filed with the Regional Director for the Eleventh Region (Indianapolis, Indiana) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of International Harvester Company, herein called the Company, at its Fort Wayne Works, Fort Wayne, Indiana, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act.¹ On February 23, 1938, the National Labor Relations Board, herein called

¹On February 24, 1938, Local No. 527 filed another petition substantially the same as its petition of August 21, 1937.

the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered an investigation and authorized the Regional Director to conduct it and to provide for an appropriate hearing upon due notice.

On February 24, 1938, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, upon Local No. 527, upon United Automobile Workers of America, Local No. 57, herein called Local No. 57, upon Independent Truck Employees Association, herein called the Independent, and upon International Association of Machinists, the latter three being labor organizations purporting to represent employees directly affected by the investigation. Pursuant to the notice, a hearing was held on March 2, 1938, at Fort Wayne, Indiana, before William P. Webb, the Trial Examiner duly designated by the Board. The Board, the Company, Local No. 57, and the Independent were represented by counsel, and Local No. 527, by its business representative. All such representatives participated in the hearing and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. No objections were made by any of the parties to the introduction of evidence.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

International Harvester Company is a New Jersey corporation engaged in the manufacture, sale, and distribution of agricultural implements, motor trucks, tractors, stationary engines, and parts therefor. This proceeding is concerned with the Fort Wayne Works, the business of which is described in a stipulation in the record as follows: "The Fort Wayne Works is engaged in the assembly of certain motor truck models produced by the Company, the manufacture of parts for use in other plants of the Company, and the conduct of the central operations involved in the distribution of repair parts for all of the motor trucks produced by the Company. The Fort Wayne Works, acting as the central distribution point for repair parts for all motor trucks manufactured by the Company, involves regular shipments by rail, trucks and express to the Company's branch houses and distributing points located in all parts of the United States and in many foreign countries."²

² For a detailed description of the Company's activities and the activities of its Fort Wayne Works, see pages 311 to 317, inclusive, of *Matter of International Harvester Company and Local Union No. 57, International Union United Automobile Workers of America*, 2 N. L. R. B. 310, which were incorporated by reference into the record during the hearing.

II. THE ORGANIZATIONS INVOLVED

The Sinkers Local No. 527 is a labor organization affiliated with the International Association of Machinists and the American Federation of Labor. It admits to membership all employees of the Fort Wayne Works of the Company who work on dies to complete forgings, exclusive of supervisory employees.

United Automobile Workers of America, Local No. 57, is a labor organization affiliated with the Committee for Industrial Organization; International Association of Machinists is a labor organization affiliated with the American Federation of Labor; and Independent Truck Employees Association is likewise a labor organization, whose affiliations, if any, are not disclosed in the record. It is not clear from the record which categories of employees of the Company are eligible for membership in these organizations.

III. THE QUESTION CONCERNING REPRESENTATION

On July 28, 1937, the Company, which since February 1936 had recognized and bargained with Local No. 527 as the representative of its members, issued a bulletin announcing that it had granted exclusive bargaining rights to the Independent as the collective bargaining representative for all of the employees at its Fort Wayne Works. The Company thereafter refused to negotiate further with Local No. 527.

We find that a question has arisen concerning representation of employees of the Company.

IV. THE EFFECT OF THE QUESTION CONCERNING REPRESENTATION UPON COMMERCE

We find that the question concerning representation which has arisen, occurring in connection with the operations of the Company described in Section I above, has a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tends to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

V. THE APPROPRIATE UNIT

At the hearing all of the parties stipulated and we find that all employees of the Company at its Fort Wayne Works who work on dies to complete forgings, exclusive of executives, clerical help, foremen, and all other employees engaged in a supervisory capacity, constitute a unit appropriate for the purposes of collective bargaining. We further find that said unit will insure to the employees of

the Company the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.³

VI. THE DETERMINATION OF REPRESENTATIVES

During the course of the hearing, the Company's pay roll of February 26, 1938, and the official records of Local No. 527 were inspected and compared by the Board's attorney in the presence of all the parties. It was then agreed and stipulated in the record by all the parties that 50 employees were included in the unit and that 38 of such employees were members of Local No. 527.

We find that Local No. 527 has been designated and selected by a majority of the employees in the appropriate unit as their representative for purposes of collective bargaining. It is, therefore, the exclusive representative of all the employees in such unit for the purposes of collective bargaining, and we will so certify.

Upon the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

CONCLUSIONS OF LAW

1. A question affecting commerce has arisen concerning the representation of employees of International Harvester Company at its Fort Wayne Works, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. All employees of the Company at its Fort Wayne Works who work on dies to complete forgings, exclusive of executives, clerical help, foremen, and all other employees engaged in a supervisory capacity, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

3. Die Sinkers Local No. 527, affiliated with the American Federation of Labor, is the exclusive representative of all the employees in such unit for the purposes of collective bargaining, within the meaning of Section 9 (a) of the National Labor Relations Act.

CERTIFICATION OF REPRESENTATIVES

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 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

³ See also *Matter of International Harvester Company Tractor Works and Farm Equipment Workers Association Division of A. A. I. S. & T. W. N. A. Lodge No. 1320, C. I. O.*, 5 N. L. R. B. 192, decided February 10, 1938, in which we found that the same classification of employees constitutes an appropriate unit.

IT IS HEREBY CERTIFIED that Die Sinkers Local No. 527, affiliated with the American Federation of Labor, has been designated and selected by a majority of the employees of International Harvester Company at its Fort Wayne Works, Fort Wayne, Indiana, who work on dies to complete forgings, exclusive of executives, clerical help, foremen, and all other employees engaged in a supervisory capacity, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, Die Sinkers Local No. 527, affiliated with the American Federation of Labor, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.