

In the Matter of THE AMERICAN BRASS COMPANY and THE
WATERBURY BRASS WORKERS' UNION

Case No. R-392

SUPPLEMENTAL DECISION

AND

AMENDMENT TO DIRECTION OF ELECTION

May 10, 1938

On April 21, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election¹ in the above-entitled proceeding, the election to be held within twenty (20) days from the date of the Direction, under the supervision of the Regional Director for the Second Region (New York City).

On April 23, 1938, the Waterbury Brass Workers' Union, Local No. 251, herein called the W. B. W. U., filed with the Regional Director for the Second Region a petition requesting that the election ordered by the Board be postponed until the Board had investigated the charges filed by the W. B. W. U. that Metal Workers Association of Waterbury, herein called the Association, was formed and dominated by the The American Brass Company, Waterbury, Connecticut, herein called the Company, within the meaning of Section 8 (2) of the National Labor Relations Act, 49 Stat. 449, herein called the Act.

On April 25, 1938, the Regional Director requested that the election be postponed until an investigation of the charges was completed.

On April 26, 1938, the Association filed an answer to the petition of the W. B. W. U., objecting to a stay of the order for an election and alleging that previous to the hearing in this case its formation and records were examined by representatives of the Board; that the evidence in this case disclosed that the Association is an independent union of the employees of the Company; that this proceeding has been pending since September 1937; and that the employees of the Company are entitled to vote without further delay for their bargaining representatives.

¹ 6 N. L. R. B. 723.

On April 29, 1938, the Company filed an answer to the petition of the W. B. W. U., denying that the Association was formed or dominated within the meaning of Section 8 (2) of the Act.

After an investigation of the charges filed by the W. B. W. U., we are of the opinion that the election should be held as ordered. However, since a longer period within which to hold the election is necessary, we hereby amend the Direction of Election by striking therefrom the words "within twenty (20) days from the date of this Direction" and substituting therefor the words "within thirty (30) days from the date of this Direction."

In the Decision and Direction of Election we held that since it was not clear whether the W. B. W. U. wished its name to appear on the ballot in the election to be conducted on the basis of the unit which we found to be appropriate, we would omit its name from the ballot. We further provided that if the W. B. W. U. desired its name on the ballot, it should give notice of such a desire to the Board, and we would amend our Direction of Election accordingly. The W. B. W. U. has notified the Board that it wishes its name placed on the ballot. We, therefore, further amend our Direction of Election by striking therefrom the words "to determine whether or not they desire to be represented by Metal Workers Association of Waterbury, for the purposes of collective bargaining" and substituting therefor the words "to determine whether they desire to be represented by Waterbury Brass Workers' Union, Local No. 251, or by Metal Workers Association of Waterbury, for the purposes of collective bargaining, or by neither."

[SAME TITLE]

CERTIFICATION OF REPRESENTATIVES

June 11, 1938

On April 21, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled case. On May 10, 1938, the Board issued a Supplemental Decision and Amendment to the Direction of Election. The Direction of Election, as amended, provided that an election by secret ballot be conducted within thirty (30) days from the date of the Direction among the production and maintenance employees of The American Brass Company, Waterbury, Connecticut, who were employed by the Company during the pay-roll period ending September 18, 1937, including those who have since been laid off, but excluding the employees of the French branch, supervisory employees, clerical and office workers, watchmen, other salaried employees, and those who had since quit or been discharged for cause,

to determine whether they desired to be represented by Waterbury Brass Workers' Union, Local No. 251, or by Metal Workers Association of Waterbury, or by neither union.

Pursuant to the Direction, as amended, an election by secret ballot was conducted on May 19, 1938, under the direction and supervision of the Regional Director for the Second Region (New York City). Full opportunity was accorded all the parties to this investigation to participate in the conduct of the secret ballot and to make challenges. Thereafter, the said Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued and duly served upon the parties an Intermediate Report on the election. No objections or exceptions to the Intermediate Report have been filed by any of the parties.

As to the balloting and its results, the Regional Director reported as follows:

Total number eligible to vote.....	2,677
Total number of ballots cast.....	2,237
Total number of ballots counted.....	2,208
Total number of ballots in favor of Waterbury Brass Workers' Union, Local No 251, affiliated with the C. I. O....	1,185
Total number of ballots in favor of Metal Workers Association of Waterbury.....	623
Total number of ballots in favor of neither union.....	400
Total number of blank votes.....	6
Total number of void ballots.....	23
Total number of challenged votes.....	0

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, 49 Stat. 449, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Waterbury Brass Workers' Union, Local No. 251, has been designated and selected by a majority of the production and maintenance employees of The American Brass Company, Waterbury, Connecticut, excluding the employees of the French branch, supervisory employees, clerical and office workers, watchmen, and other salaried employees, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the National Labor Relations Act, Waterbury Brass Workers' Union, Local No. 251, 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.