

In the Matter of MANN EDGE TOOL COMPANY and FEDERAL LABOR
UNION No. 18779 AMERICAN FEDERATION OF LABOR

Case No. R-835.—Decided July 5, 1938

Tool Manufacturing Industry—Investigation of Representatives: controversy concerning representation of employees—*Unit Appropriate for Collective Bargaining:* production and maintenance employees, excluding foremen and clerical employees; stipulation as to—*Representatives:* proof of choice: comparison of canceled salary checks and union membership applications—*Certification of Representatives:* upon proof of majority representation.

Mr. W. G. Stuart Sherman, for the Board.

Mr. Harold W. Houck, of Lewistown, Pa., and *McCormick, Herdic & Furst*, by *Mr. Carl W. Herdic*, of Williamsport, Pa., for the Company.

Mr. Victor A. Pascal, of counsel to the Board.

DECISION
AND
CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

On March 12, 1938, there was filed on behalf of Federal Labor Union No. 18779, herein called the Union, with the Regional Director for the Sixth Region (Pittsburgh, Pennsylvania) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Mann Edge Tool Company, Lewistown, Pennsylvania, herein called the Company, 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. On April 18, 1938, the National Labor Relations Board, herein called 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 May 5, 1938, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, upon the Union, and upon the Steel Workers Organizing Committee, herein

called the S. W. O. C., a labor organization claiming to represent employees directly affected by the investigation. The Company filed an answer to the petition in which it denied that the unit urged by the Union was appropriate for the purposes of collective bargaining. Pursuant to notice, a hearing was held on June 9, 1938, at Lewistown, Pennsylvania, before Joseph L. Maguire, the Trial Examiner duly designated by the Board. The Board and the Company were represented by counsel and participated in the hearing. No appearance was made on behalf of the S. W. O. C. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. During the course of the hearing, the parties stipulated as to certain facts, which stipulations were made part of the record.

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

FINDINGS OF FACT

Mann Edge Tool Company, a Pennsylvania corporation, is engaged at its plant in Lewistown, Pennsylvania, in the production, sale, and distribution of edge tools, consisting principally of handled and unhandled axes. It was stipulated that the facts concerning the Company's business were substantially the same at the date of the hearing herein as they were at the date of a previous hearing before the Board of a proceeding involving the Company.¹ In the former proceeding, we found that from August 1, 1935, to about January 30, 1936, of the less-than-carload-lot shipments the Company received over the Pennsylvania Railroad, 73 per cent were secured from sources outside the State of Pennsylvania. We also found that during the same period, the Company received three carload shipments from sources outside the State of Pennsylvania and that 85 per cent of the Company's less-than-carload-lots of handled and unhandled axes shipped over the Pennsylvania Railroad were sent to destinations outside the State of Pennsylvania.

We find that the Union is a labor organization affiliated with the American Federation of Labor admitting employees of the Company to its membership.

We find that a question has arisen concerning the representation of employees of the Company, which, occurring in connection with the operations of the Company described 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.

¹ *Matter of Mann Edge Tool Company and Federal Labor Union No 18779*, 1 N. L. R. B 977.

In accordance with the stipulation of the parties, we find that the production and maintenance employees of the Company, excluding foremen and clerical employees, constitute a unit appropriate for the purposes of collective bargaining and that said unit will insure to 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.

Forty-two of the Union's signed membership applications were introduced in evidence and its president testified, without contradiction, that all the individuals signing the applications were members of the Union and in the Company's employ on the date of the hearing. The parties stipulated that, on the date of the hearing, there were 71 employees in the appropriate bargaining unit and that the signatures on the applications compared identically with the endorsements on the Company's salary checks. We find that the Union has been designated and selected by a majority of the employees in the appropriate unit as their representative for the 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 Mann Edge Tool Company, Lewistown, Pennsylvania, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.
2. The production and maintenance employees of the Company, excluding foremen and clerical employees, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.
3. Federal Labor Union No. 18779 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, 49 Stat. 449, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Federal Labor Union No. 18779 has been designated and selected by a majority of the production and maintenance employees of Mann Edge Tool Company, Lewistown, Pennsylvania, excluding foremen and clerical employees, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, Federal Labor Union No. 18779 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.

[SAME TITLE]

AMENDMENT TO DECISION

August 2, 1938

On July 5, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Certification of Representatives in the above-entitled proceeding. In the Decision, the Board stated, "Forty-two of the Union's signed membership applications were introduced into evidence . . ." and "The parties stipulated . . . that the signatures on the applications . . ." The Board's attention has been called to the fact that the documents referred to are not membership applications, but designations of the Union as representative for the purposes of collective bargaining.

The Board hereby amends its decision by striking therefrom the words quoted above and substituting therefor the following: "Forty-two signed designations of the Union as representative for collective bargaining were introduced into evidence . . ." and "The parties stipulated . . . that the signatures on the designations . . ."

Except as hereby amended, the Decision remains in full force and effect.

8 N. L. R. B., 9a.