

In the Matter of SEISS MANUFACTURING COMPANY and COMMITTEE FOR INDUSTRIAL ORGANIZATION

Case No. R-629

CERTIFICATION OF REPRESENTATIVES

July 18, 1938

On May 26, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election¹ in the above-entitled case. The Direction of Election directed that an election by secret ballot be conducted among the production employees of Seiss Manufacturing Company, herein called the Company, at its Toledo, Ohio, plant, who were employed by it during the pay-roll period next preceding October 15, 1937, excluding clerical and supervisory employees, to determine whether or not they desired to be represented by Toy Novelty Workers, Local Industrial Union, affiliated with the Committee for Industrial Organization, herein called Toy Novelty Workers, or by Juvenile Wheel Workers Union, No. 18528, affiliated with the American Federation of Labor, herein called Juvenile Wheel Workers, for the purposes of collective bargaining, or by neither.

Pursuant to the Direction, an election by secret ballot was held on June 9, 1938, at Toledo, Ohio, under the direction and supervision of James P. Miller, the Regional Director for the Eighth Region (Cleveland, Ohio). On June 11, 1938, 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 his Intermediate Report on the election.

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

Total number eligible.....	33
Total ballots cast.....	30
Total number of ballots counted.....	27
Total number of votes in favor of Toy Novelty Workers, Local and Industrial Union, affiliated with the C. I. O.....	15
Juvenile Wheel Workers Union, No. 18528, affiliated with the A. F. of L.....	0
Neither union.....	12
Total void ballots.....	0
Total blank ballots.....	0
Total number of challenged ballots (not counted).....	3

¹ 7 N. L. R. B. 481

8 N. L. R. B. No. 42

In the Intermediate Report, the Regional Director sustained the challenges to the three ballots.

On June 15, 1938, Juvenile Wheel Workers filed objections to the ballot and the Intermediate Report on the ground that the three challenged ballots should have been counted. It alleged that the employees casting the three ballots are production workers and not supervisory employees as contended by the Toy Novelty Workers. A report filed by the representative of the Board who conducted the election shows that the three employees do not have the right to hire or discharge and indicates that they spend part of their time doing production work. The report also shows, however, that they spend a considerable portion of their time assigning work to and directing the activities of other employees and that they report directly to the general foreman, John E. Wyatt.

Under the circumstances, we are of the opinion that said employees are supervisory employees within the meaning of the Direction of Election. We find therefore that the action of the Regional Director in sustaining the challenges was correct.

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, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Toy Novelty Workers, Local and Industrial Union, affiliated with the Committee for Industrial Organization, has been selected by a majority of the production employees of the Seiss Manufacturing Company, at its plant in Toledo, Ohio, excluding clerical and supervisory employees, and that, pursuant to Section 9 (a) of the Act, Toy Novelty Workers, Local and Industrial Union, affiliated with the Committee for Industrial Organization, 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.