

IN THE MATTER OF UNIT CAST CORPORATION *and* STEEL WORKERS
ORGANIZING COMMITTEE

Case No. R-635

Steel Products Manufacturing Industry—Election Ordered: run-off—Certification of Representatives.

SUPPLEMENTAL DECISION
AND
SECOND DIRECTION OF ELECTION

August 6, 1938

By Decision dated May 11, 1938,¹ the National Labor Relations Board, herein called the Board, as part of the investigation authorized to ascertain representatives for the purposes of collective bargaining with Unitcast Corporation,² Toledo, Ohio, directed the Regional Director for the Eighth Region, acting as agent for the Board, and subject to National Labor Relations Board Rules and Regulations—Series 1, as amended, to conduct an election by secret ballot among the production and maintenance employees of the Company, who were on the Company's pay roll as of October 31, 1937, including those since laid off, but excluding supervisory, clerical, salaried, student, and casual employees, and excluding those who have since quit or been discharged for cause, to determine whether they desired to be represented by Amalgamated Association of Iron, Steel, and Tin Workers of North America, Lodge 2038, or by International Molders' Union of North America, Local No. 425, for the purposes of collective bargaining, or by neither.

Pursuant to said Direction of Election, the Regional Director conducted an election by secret ballot on May 24, 1938.

On May 26, 1938, the Regional Director caused to be served on the parties his Intermediate Report on the conduct of the ballot. On July 20, 1938, the Acting Regional Director served on the parties a Supplemental Intermediate Report on the conduct of the ballot, stating his rulings on the ballots challenged at the election. No exceptions to the Intermediate Reports have been filed by any of the parties.

¹ 7 N. L. R. B. 129.

² Referred to in the petition as Unit Cast Corporation.

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

Total number of employees eligible.....	213
Total number of ballots cast.....	163
Total number of votes for Amalgamated Association of Iron, Steel, and Tin Workers of North America Lodge 2038.....	74
Total number of votes for International Molders' Union of North America Local No 425.....	77
Total number of votes for neither organization.....	5
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged ballots.....	7

In *Matter of Interlake Iron Corporation and Amalgamated Association of Iron, Steel, and Tin Workers of North America, Local No. 1657*,³ the Board reaffirmed its policy of providing a space on the ballot, in elections involving two or more rival unions, in which a voter may indicate that he does not desire either of the named unions to represent him. The Board there stated that "in the event that the election in the present case results in none of the three preferences obtaining a majority of the votes cast, we will, upon the request of the labor organization receiving the greater number of votes, promptly direct a run-off election in which the ballot will allow employees the opportunity to vote for or against this organization."

In the instant case, a majority of the employees in the appropriate unit have indicated a desire to bargain collectively with the Company, although they have accorded neither of the rival unions a majority. On June 29, 1938, the International, having received the greater number of votes, requested, by a letter addressed to the Board, that a run-off election be held. The Board finds that the question concerning representation can best be resolved by a run-off election and will so direct.

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, 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

DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for the purpose of collective bargaining with Unitcast Corporation, Toledo, Ohio, an election by secret ballot shall be conducted within fifteen (15) days from the date of this Direction, under the direction and supervision of the Regional Director for the Eighth Region, acting in this matter as agent for the

³ 4 N. L. R. B. 55.

National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among the production and maintenance employees of the Company, who were on the Company's pay roll as of October 31, 1937, including those since laid off, but excluding supervisory, clerical, salaried, student, and casual employees, and excluding those who have since quit or been discharged for cause, to determine whether or not they desire to be represented by International Molders' Union of North America, Local No. 425, for the purposes of collective bargaining.

[SAME TITLE]

CERTIFICATION OF REPRESENTATIVES

September 15, 1938

On May 11, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled proceeding. The Direction of Election provided that an election by secret ballot be held among the production and maintenance employees of Unitcast Corporation, Toledo, Ohio, who were on the Company's pay roll as of October 31, 1937, including those since laid off, but excluding supervisory, clerical, salaried, student, and casual employees, and those who had since quit or been discharged for cause, to determine whether they desired to be represented by Amalgamated Association of Iron, Steel, and Tin Workers of North America, Lodge 2038, or by International Molders' Union of North America, Local No. 425, for the purposes of collective bargaining, or by neither.

Pursuant to the Direction of Election, an election by secret ballot was conducted on May 24, 1938, at Toledo, Ohio, under the direction and supervision of the Regional Director for the Eighth Region (Cleveland, Ohio). The results of the balloting showed that a majority of the employees in the appropriate unit desired to bargain collectively with the Company, although they had accorded neither of the rival unions a majority. On June 29, 1938, the International, having received the greater number of votes, requested, by a letter addressed to the Board, that a run-off election be held.

By Supplemental Decision and Direction of Election, dated August 6, 1938, the Board, as part of the investigation, authorized to ascertain representatives for the purposes of collective bargaining with the Company, directed the Regional Director for the Eighth Region, acting as agent, for the Board, to conduct an election by secret ballot among the above-designated employees to determine whether or not they desired to be represented by International Molders' Union of North America, Local No. 425, for the purposes of collective bargaining.

Pursuant to the Supplemental Decision and Direction of Election, the Regional Director conducted an election by secret ballot on August 17, 1938. Full opportunity was accorded to all the parties to this investigation to participate in the conduct of the secret ballot and to make challenges.

On August 19, 1938, the 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.....	212
Total number of ballots cast.....	127
Total number of votes for the International Molders' Union of North America, Local No. 425.....	100
Total number of votes against the International Molders' Union of North America, Local No. 425.....	18
Total number of void ballots.....	9
Total number of blank ballots.....	0
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 International Molders' Union of North America, Local No. 425, has been selected by a majority of the production and maintenance employees of Unitcast Corporation, Toledo, Ohio, excluding supervisory, clerical, salaried, student, and casual employees, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the National Labor Relations Act, International Molders' Union of North America, Local No. 425, 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.

MR. EDWIN S. SMITH took no part in the consideration of the above Certification of Representatives.