

In the Matter of ALL-STEEL-EQUIP Co., INC. and INTERNATIONAL
BROTHERHOOD OF BLACKSMITHS, DROP FORGERS AND HELPERS

Case No. R-5556.—Decided July 2, 1943

Fyffe & Clarke, by *Mr. Albert J. Smith*, of Chicago, Ill., for the Company.

Mr. A. J. Eberhardy, of Chicago, Ill., for the Union.

Miss Viola James, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Brotherhood of Blacksmiths, Drop Forgers and Helpers, affiliated with the American Federation of Labor, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of All-Steel-Equip Co., Inc., Aurora, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Russell Packard, Trial Examiner. Said hearing was held at Aurora, Illinois, on June 17, 1943. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

All-Steel-Equip Co., Inc., is an Illinois corporation engaged at its two plants in Aurora, Illinois, in the manufacture of sheet metal products. During 1942 the Company purchased raw materials exceeding \$100,000 in value, of which more than 50 percent was shipped to the

Company from points outside the State of Illinois. During the same period, the sales of finished products exceeded \$150,000 in value, more than 50 percent of which represented shipments moving in interstate commerce. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Brotherhood of Blacksmiths, Drop Forgers and Helpers, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On May 15, 1943, the Union requested recognition as the exclusive representative of the employees at Plant No. 1. The Company refused the request on the ground that it had no knowledge of the claimed representation. The Union now seeks similar recognition as the representative of the employees at Plant No. 2. The Company has also refused this request.

The record reveals that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Union seeks a unit of the production and maintenance employees of both plants. The Company offers no objection and agrees with the Union to exclude supervisory employees, foremen and assistant foremen, clerical employees, guards, and temporary summer employees. We shall exclude these employees. As the employees at both plants perform similar work and are subject to the same working conditions, we find that they properly constitute an appropriate unit.

Accordingly, we find that all production and maintenance employees of the Company at its two plants at Aurora, Illinois, excluding clerical employees, guards, temporary summer employees, super-

¹ The Regional Director reported that the Union submitted 122 designations, all bearing apparently genuine original signatures, of which 114 are the names of persons on the Company's pay roll of June 1, 1943; of the 114 cards, 4 were undated and 110 were dated May 1943.

The Union submitted 82 additional designations to the Trial Examiner who found that all 82, dated in May and June 1943, bear apparently genuine original signatures, and that 69 bear the signatures of persons whose names are listed on the pay roll of June 1, 1943. The Company employs approximately 360 employees.

visors, foremen, assistant foremen, and any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

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, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with All-Steel-Equip Co., Inc., Aurora, Illinois, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Thirteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 10, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause, to determine whether or not they desire to be represented by International Brotherhood of Blacksmiths, Drop Forgers and Helpers, affiliated with the American Federation of Labor, for the purposes of collective bargaining.