

In the Matter of WALKER VEHICLE COMPANY and the AUTOMATIC TRANSPORTATION COMPANY, DIVISIONS OF THE YALE & TOWNE MANUFACTURING COMPANY and WALKER-AUTOMATIC INDEPENDENT LABOR ASSOCIATION

*Case No. R-319*

*Mr. Jack G. Evans*, for the Board.

*Mr. David R. Clarke*, of Chicago, Ill., for the Company.

*Mr. J. Warren McCaffrey*, of Chicago, Ill., for Walker-Automatic Independent Labor Association.

*Mr. Paul B. Glaser*, of Gary, Ind., and *Mr. Thurlow G. Lewis*, of Chicago, Ill., for Nira Lodge No. 1328 of the Amalgamated Association of Iron, Steel and Tin Workers of North America, affiliated with the Committee for Industrial Organization.

*Mr. A. Bruce Hunt, Jr.*, of counsel to the Board.

DIRECTION OF ELECTION

*November 29, 1937*

The National Labor Relations Board, having found upon an examination of the record in the above matter that a question affecting commerce has arisen concerning the representation of employees of Walker Vehicle Company and the Automatic Transportation Company, divisions of the Yale & Towne Manufacturing Company, Chicago, Illinois, and that all the production and maintenance employees of Walker Vehicle Company and the Automatic Transportation Company, divisions of the Yale & Towne Manufacturing Company, at its Chicago, Illinois, plant, excluding the supervisory employees, draftsmen, engineers (except engineers employed in maintenance), and watchmen, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act, 49 Stat. 449, and acting pursuant to the power vested in it by Section 9 (c) of said Act, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended, hereby

DIRECTS that, as part of its investigation to ascertain representatives for the purposes of collective bargaining with Walker Vehicle Company and the Automatic Transportation Company, divisions of the Yale & Towne Manufacturing Company, an election by secret

ballot shall be conducted within a period of twenty (20) days after the date of this Direction of Election, under the direction and supervision of the Regional Director for the Thirteenth Region, acting in this matter as the agent of the National Labor Relations Board and subject to Article III, Section 9, of said Rules and Regulations—Series 1, as amended, among all the production and maintenance employees of Walker Vehicle Company and the Automatic Transportation Company, divisions of the Yale & Towne Manufacturing Company, at its Chicago, Illinois, plant who were employed by it during the pay roll period immediately preceding the date of this Direction, excluding those who have since quit or been discharged for cause and the supervisory employees, draftsmen, engineers (except engineers employed in maintenance), and watchmen, to determine whether they desire to be represented by Walker-Automatic Independent Labor Association, or by Nira Lodge No. 1328 of the Amalgamated Association of Iron, Steel and Tin Workers of North America, affiliated with the Committee for Industrial Organization, for the purposes of collective bargaining, or by neither.

[SAME TITLE]

#### AMENDMENT TO DIRECTION OF ELECTION

*December 13, 1937*

On November 29, 1937, the National Labor Relations Board, herein called the Board, issued a Direction of Election in the above entitled case, the election to be held within twenty (20) days from the date of the Direction.

Thereafter the Board was advised that Nira Lodge No. 1328 of the Amalgamated Association of Iron, Steel and Tin Workers of North America, affiliated with the Committee for Industrial Organization, had been incorrectly designated in said Direction, and was further advised that said Direction should be amended by striking therefrom the words "or by neither", which appear in the last line of said Direction.

In order to afford the Board opportunity to consider these advices,

The Board, on its own motion, hereby amends its Direction of Election issued on November 29, 1937, by striking therefrom the words, "within a period of twenty (20) days after the date of this Direction of Election", wherever they occur therein, and substituting therefor the words, "within a period of forty (40) days after the date of this Direction of Election".

[SAME TITLE]

## SECOND AMENDMENT TO DIRECTION OF ELECTION

*December 31, 1937*

On November 29, 1937, the National Labor Relations Board, herein called the Board, issued a Direction of Election in the above-entitled case, the election to be held within twenty (20) days from the date of the Direction. Thereafter Steel Workers Organizing Committee and Nira Lodge No. 1328 of the Amalgamated Association of Iron, Steel and Tin Workers of North America each filed with the Board two petitions, one moving that the Board amend the Direction of Election by designating the intervening union as "Steel Workers Organizing Committee, for Nira Lodge No. 1328 of the Amalgamated Association of Iron, Steel and Tin Workers of North America, affiliated with the Committee for Industrial Organization," and the other moving that the Direction of Election be amended by striking therefrom the words "or by neither", which appear in the last line of said Direction. The latter petitions contain the alternate motion that if the words "or by neither" be not stricken then "that said election be not held". To all of these petitions, Walker-Automatic Independent Labor Association, the petitioner in the instant case, by its counsel, filed answers opposing said motion.

On December 13, 1937, the Board issued an Amendment to its Direction of Election postponing the date for holding said election for an additional period of twenty (20) days in order to afford time for consideration of the above described matters.

The problems herein involved concerning use of the words "or by neither" arose in *Matter of Interlake Iron Corporation and Amalgamated Association of Iron, Steel and Tin Workers of North America, Local No. 1657*.<sup>1</sup> In a Supplement to Direction of Election<sup>2</sup> issued in said case on December 28, 1937, such problems were extensively treated. For the reasons therein given the motions in the instant case to amend the Direction of Election by striking therefrom the words "or by neither" are hereby denied.

The above described alternate motions that the election be not held, are likewise denied for the reason that Nira Lodge No. 1328 of the Amalgamated Association of Iron, Steel and Tin Workers of North America is not the petitioner in the instant case, and for the further reason that the petitioner, Walker-Automatic Independent Labor Association, desires that an election be held.

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

<sup>1</sup> 4 N. L. R. B. 55.

<sup>2</sup> 4 N. L. R. B. 58.

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 that organization.

Upon consideration, the Board hereby amends its Direction of Election issued on November 29, 1937, by striking therefrom the words, "Nira Lodge No. 1328 of the Amalgamated Association of Iron, Steel and Tin Workers of North America", wherever they appear therein, and substituting therefor the words, "Steel Workers Organizing Committee, for Nira Lodge No. 1328 of the Amalgamated Association of Iron, Steel and Tin Workers of North America".

MR. DONALD WAKEFIELD SMITH took no part in the consideration of the above Amendment to the Direction of Election.

EDWIN S. SMITH, concurring:

Inasmuch as the *Interlake Iron* case in which I dissented and which is referred to in the above opinion appears, as far as the majority of the Board is concerned, to have settled the issue raised by the motion to strike the words "or by neither" from the Direction of Election, I concur with the decision in this case.