

In the Matter of JOSLIN SCHMIDT CORPORATION and COMMITTEE FOR  
INDUSTRIAL ORGANIZATION

Case No. R-549.—Decided January 20, 1938

*Fertilizer Manufacturing Industry—Investigation of Representatives: agreement as to holding of election—Election Ordered*

*Mrs. Mary Telker Bliff*, for the Board.

*Mr. Julius Holzberg*, of Cincinnati, Ohio, for the Committee for Industrial Organization.

*Mr. Martin Kurasch*, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

On October 19, 1937, Committee for Industrial Organization filed with the Regional Director for the Ninth Region (Cincinnati, Ohio) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Joslin Schmidt Corporation, Lockland, Ohio, 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 December 20, 1937, 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 January 10, 1938, the Regional Director issued and duly served a notice of hearing.

On January 14, 1938, a stipulation was entered into between Joslin Schmidt Corporation, Lincoln Local Industrial Union 513, and United Workers of Joslin Schmidt, a labor organization claiming to represent employees directly affected by the investigation. On January 18, 1938, the Board, acting pursuant to Article III, Section 10 (c) (1), of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued an order transferring the proceeding to itself.

The above-mentioned stipulation reads as follows:

## I

It is hereby agreed between the undersigned, for the purpose of avoiding time and expense involved in testimony on the facts, that the following facts are true:

A. The Joslin-Schmidt Corporation is a corporation duly incorporated in 1925 under the laws of the State of Ohio.

B. The Corporation is engaged in the business of manufacturing and distributing fertilizer, glue, animal foods, tallow and other products. Its raw materials are almost exclusively animal by-products about 50 percent of which are purchased from without the State of Ohio. Over 50 percent of its finished products consisting of fertilizer, glue, animal foods, tallow, etc. are shipped by rail and auto truck to points outside the State of Ohio. The operations of the Joslin-Schmidt Corporation in transforming raw material into the finished products does not require specially skilled labor.

The Corporation agrees that it is engaged in interstate commerce within the meaning of the decisions of the U. S. Supreme Court interpreting the National Labor Relations Act.

C. Lincoln Local Industrial Union No. 531, affiliated with the Committee for Industrial Organization, is a labor organization within the meaning of the National Labor Relations Act.

D. Lincoln Local Industrial Union No. 531 claims to represent a majority of the production employees of the Lockland, Ohio, plant of the company, but the company refuses to recognize the said Lincoln Local Industrial Union No. 531 as the sole bargaining agency for the employees at its Lockland, Ohio, plant, unless and until said Lincoln Local Industrial Union is certified by the National Labor Relations Board as representing a majority of the production employees of its Lockland, Ohio, plant. The production employees of the Joslin-Schmidt Corporation's Lockland, Ohio, plant, excluding those having the right to hire and fire, constitute a unit appropriate for the purposes of collective bargaining within the meaning of the National Labor Relations Act.

## II

It is hereby agreed that—

A. An election pursuant to the order of the National Labor Relations Board is desired by the parties hereto, to be held in accordance with the rules and regulations of the National Labor Relations Board.

B. The ballots used in such election should give the production employees of the Lockland, Ohio, plant of the Joslin-Schmidt

Corporation an opportunity to vote on the question as to whether they desire to be represented by Lincoln Local Industrial Union No. 513 or do not desire to be represented by said union.

C. All production employees of the Lockland, Ohio, plant of the company, except those having the right to hire and fire, on the payroll for the week of January 11, 1938, shall be eligible to vote in said election.

D. The parties hereby agree that if it is determined by the National Labor Relations Board that Lincoln Local Industrial Union No. 513 represents a majority of the production employees of the Lockland, Ohio, plant herein described in accordance with the above procedure, that the said company agrees to proceed to bargain collectively with Lincoln Local Industrial Union No. 513 as certified by the National Labor Relations Board as the sole collective bargaining agency for all the production employees of the Lockland, Ohio, plant.

E. The United Workers of the Joslin-Schmidt Corporation admit at present that they do not have a majority of the employees in the afore-mentioned unit and waive a place on the ballot at said election.

It is agreed that the Board be requested to order the election to take place on some day during the week of January 24, 1938, preferably on January 26, said election to be conducted under the direction and supervision of the Regional Director for the Ninth Region of the National Labor Relations Board on such date as he may determine.

Upon the basis of the above stipulation the Board will issue a direction of election.

#### 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,

DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for the purpose of collective bargaining with Joslin Schmidt Corporation, Lockland, Ohio, an election by secret ballot shall be conducted within ten (10) days from the date of this Direction, under the direction and supervision of the Regional Director for the Ninth Region, acting in this matter as agent for the National Labor Relations Board and subject to Article III, Section 9, of said Rules and Regulations, among all production employees of

the Lockland, Ohio, plant of the Company, except those having the right to hire and fire, who were on the pay roll during the week of January 11, 1938, to determine whether or not they desire to be represented by Lincoln Local Industrial Union No. 513 for the purposes of collective bargaining.

[SAME TITLE]

AMENDMENT TO DECISION AND DIRECTION OF  
ELECTION

*January 25, 1938*

On January 20, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled case, such election to be held under the direction and supervision of the Regional Director for the Ninth Region (Cincinnati, Ohio).

The Board, having been advised by the Regional Director that Lincoln Local Industrial Union No. 531 has been incorrectly designated Lincoln Local Industrial Union No. 513, hereby amends the Decision and Direction of Election by striking therefrom wherever they appear, the words "Lincoln Local Industrial Union No. 513", and substituting therefor the words "Lincoln Local Industrial Union No. 531."