

In the Matter of ARMOUR AND COMPANY *and* PACKINGHOUSE WORKERS
ORGANIZING COMMITTEE, LOCAL 58, AFFILIATED WITH THE CONGRESS
OF INDUSTRIAL ORGANIZATIONS

Case No. R-3718.—Decided May 13, 1942

Jurisdiction: meat packing industry

Investigation and Certification of Representatives: existence of question. refusal to accord petitioner recognition; elections necessary.

Unit Appropriate for Collective Bargaining: unit of production and maintenance employees to be expanded to include employees of one or more additional departments if employees of such departments voting in separate elections select as bargaining representative union now representing production and maintenance employees.

Mr. Paul E. Blanchard, of Chicago, Ill., for the Company.

Mr. Herbert J. Vogt, of Chicago, Ill., for the Union.

Mr. A. Sumner Lawrence, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon petition duly filed by Packinghouse Workers Organizing Committee, Local 58, affiliated with the Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Armour and Company, St. Joseph, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert S. Fousek, Trial Examiner. Said hearing was held at St. Joseph, Missouri, on April 10, 1942. 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 errors and are hereby affirmed. On April 30, 1942, a stipulation, signed by counsel for the Company, the representative of the Union, and the Trial Examiner, was docketed with the Board, providing for the correction of certain errors in the transcript of testimony. The Board hereby orders that the stipulation be made a part of the

record and that the transcript be corrected in accordance with the stipulation.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Armour and Company is an Illinois corporation having many plants and branches throughout the United States. The only plant involved in this proceeding is located in South St. Joseph, Missouri, where the Company is engaged principally in the business of slaughtering, processing, and manufacturing meat and meat products, and preparing fertilizer, tankage, lard, and hides. During the year ending October 30, 1941, the Company shipped from this plant a substantial quantity of products, having a total value of some millions of dollars,¹ of which approximately 90 percent was shipped to points outside the State of Missouri. The Company concedes that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Packinghouse Workers Organizing Committee, Local 58, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about December 18, 1941, the Union requested recognition as the exclusive bargaining representative of the hourly and piece-work paid production and maintenance employees, including the employees of the cooper department, the electrical department, and the motive power department at the Company's South St. Joseph, Missouri, plant. The Company declined to recognize the Union as the exclusive representative of the group claimed by the Union for the reason that the Board had in a prior decision² found that different units were appropriate.

In the decision referred to, the Board, pursuant to stipulations of the parties, found that each of the following four units was appropri-

¹The figures in the stipulation relating to the Company's business are "approximately 152,000 pounds of products, having a total value of \$2,000,000" In our prior decision involving this plant, we found that the 1937 shipments were "approximately 152,000,000 pounds of products, having a total value of \$22,000,000" *Matter of Armour & Company and United Packing House Workers Industrial Union No. 767, affiliated with the C. I. O.*, 9 N L R B 1239.

²See *Matter of Armour & Company and United Packing House Workers Industrial Union No 767, affiliated with the C I O*, 9 N L R B 1239.

ate: hourly and piece-work paid production and maintenance employees, employees of the cooper shop, employees of the engine room, and electricians. The Board certified the following unions as the exclusive representative, respectively, of the three last-mentioned groups: Coopers International Union of North America, Local Union No. 20; International Union of Operating Engineers, Local Union No. 120; and International Brotherhood of Electrical Workers, Local Union 545. After an election, the Board certified the Union, then known as United Packing House Workers Industrial Union No. 767, as the exclusive representative of the production and maintenance employees.³

The Union is at the present time recognized by the Company, in a contract expiring August 11, 1942, as the exclusive representative of the employees in the production and maintenance unit previously found appropriate by the Board. There is no dispute as to the Union's status as the exclusive representative of that group, and the Union does not seek an election therein. The Union contends that the former unit should now be enlarged by adding thereto the employees in the cooper department, electrical department, and the motive power department and, as stated above, has been refused recognition for the expanded unit.

From the statement of the Regional Director⁴ and from certain petitions⁵ introduced in evidence at the hearing, it appears that the Union represents a substantial number of employees in each of the three departments it desires to have added to the unit. Although served with notice of the hearing, none of the three unions previously certified appeared or made any claim of representation among the employees in these departments.

We find that a question affecting commerce has arisen concerning the representation of employees of the Company employed in the cooper, electrical, and motive power departments at the St. Joseph, Missouri, plant, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

The Union contends that the appropriate unit consists of the hourly and piece-work paid production and maintenance employees, as es-

³ *Id.*, 10 N L R. B 474

⁴ The Regional Director reported that 27 out of 42 employees in these 3 departments had either signed membership cards authorizing the Union to represent them or were dues-paying members of the Union as of the pay-roll date of January 17, 1942.

⁵ The Union introduced in evidence three petitions dated April 9, 1942, and signed in each case by all or a large majority of the employees in each of the said three departments. The petitions, which were addressed to the Board, stated that the signers were members of the Union and desired to have the Board include all eligible employees in their particular department in the larger unit of production and maintenance employees

established by our prior decision, together with the employees of the cooper, electrical, and motive power departments. However, the Union does not seek an election covering the entire group but desires to have any election which may be ordered by the Board confined to the employees of the cooper, electrical, and motive power departments to determine whether or not the employees of those departments desire to be included with the production and maintenance group for purposes of collective bargaining.

We are of the opinion and find that each of the groups which the Union desires to have added to the production and maintenance unit may properly form part of said unit if the employees so desire. In view of the absence of any question concerning representation among the employees in the original production and maintenance unit, we shall direct separate elections only among the employees in the three departments wherein a question concerning representation has arisen. The employees in such of these voting groups as select the Union will thereby have indicated their desire to be included in a unit with the general production and maintenance group and will be part of such unit.

We shall accordingly direct that the question concerning representation which has arisen be resolved by separate elections by secret ballot among the employees in the cooper, electrical, and motive power departments, respectively, who were employed within the respective departments during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTIONS

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 8, 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 Armour and Company, St. Joseph, Missouri, separate elections 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 Seventeenth 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 those employees of the Company at its South St. Joseph, Missouri, plant, who were employed during the pay-roll period immediately preceding the date of this Direction, in the cooper department, the

electrical department, and the motive power department, respectively, including any such employees who did not work during said pay-roll period because they were ill or on vacation or in the active military service or training of the United States, or temporarily laid off, but excluding supervisory employees and any who have since quit or been discharged for cause, to determine whether or not they desire to be represented by Packinghouse Workers Organizing Committee, Local 58, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.