

In the Matter of CARNEGIE-ILLINOIS STEEL CORPORATION and DISTRICT
50, UNITED MINE WORKERS OF AMERICA

In the Matter of CARNEGIE-ILLINOIS STEEL CORPORATION and UNITED
STEELWORKERS OF AMERICA, CIO

*Cases Nos. 6-R-775 and 6-R-812 respectively.—Decided
October 25, 1943*

Mr. John G. Patterson, II, of Pittsburgh, Pa., for the Company.

Mr. Philip M. Curran, of Pittsburgh, Pa., for the C. I. O.

*Mr. Stanley Denlinger, of Akron, Ohio, Mr. John Miller, of Pitts-
burgh, Pa., Mr. Charles McGuire, of Whitaker, Pa., and Mr. John
Beerman, of Homestead, Pa., for District 50.*

Mr. David V. Easton, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by District 50, United Mine Workers of America, herein called District 50, and upon a petition duly filed by United Steelworkers of America, CIO, herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Carnegie-Illinois Steel Corporation, Pittsburgh, Pennsylvania, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before Henry Shore, Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on September 23, 1943. The Company, District 50, and the C. I. O. appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. Both the Company and the C. I. O. moved to dismiss the petition filed by District 50, and District 50 moved for a dismissal of the petition filed by the C. I. O. These motions were referred by the Trial Examiner to the Board. For reasons hereinafter stated, all motions are denied. The Trial Examiner's rulings made at

the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an 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

Carnegie-Illinois Steel Corporation, a wholly owned subsidiary of the United States Steel Corporation, is a New Jersey corporation with its principal executive offices located in Pittsburgh, Pennsylvania. The Company is engaged in the manufacture and sale of steel, steel products, and byproduct coke in plants located in Illinois, Indiana, Ohio, Pennsylvania, and West Virginia. We are concerned herein with the following plants of the Company which comprise its Homestead District: (a) the Homestead Steel Works, located at Munhall, Pennsylvania, herein called the Homestead Works; (b) the Carrie Furnace, located at Rankin, Pennsylvania, herein called the Carrie plant; (c) the Wheel & Axle Division, located at McKees Rocks, Pennsylvania, herein called the W & A plant; and (d) the South Charleston Naval Ordnance plant, located at South Charleston, West Virginia, herein called the South Charleston plant. The above-mentioned plants used raw materials during the past 12-month period valued in excess of \$1,000,000, of which more than 25 percent originated from points outside the States of Pennsylvania and West Virginia and moved in interstate commerce to the above-mentioned plants. The value of the finished products during the same period at the above-mentioned plants was in excess of \$2,000,000, of which more than 25 percent was shipped in interstate commerce to points outside the States of Pennsylvania and West Virginia.

The Company admits that it, through the operation of the aforementioned plants, as well as through its other operations, is engaged in interstate commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

District 50, United Mine Workers of America, is an unaffiliated labor organization, admitting to membership employees of the Company.

United Steelworkers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

Both District 50 and the C. I. O. have requested the Company for recognition, and the Company has refused both requests in the absence of certification by the Board.

Statements of the Regional Director and the Trial Examiner, introduced into evidence at the hearing, indicate that District 50 and the C. I. O. each represents a substantial number of employees in the unit hereinafter found 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 C. I. O. and the Company contend that all plant-protection department employees in the Homestead District of the Company, consisting of the Homestead, Carrie, W & A, and the South Charleston plants, including watchmen, policemen, guards, and fire inspectors, but excluding administrative and confidential employees, as well as supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such changes, constitute an appropriate unit. District 50, without disputing the classifications contained in the unit above mentioned, contends that the unit should be confined solely to the Homestead and Carrie plants.

The record reveals that the four plants together constitute the Homestead District of the Company which is under the supervision of a general superintendent; that there is a divisional superintendent who handles industrial relations for the entire District; that the same products of the Company may be processed at more than one of the plants in the Homestead District; and that for administrative pur-

¹The Regional Director reported that District 50 submitted 70 application cards, of which 67 bore apparently genuine original signatures of persons whose names appeared on the Company's pay roll of August 31, 1943. There were 135 employees on said pay roll in the unit which District 50 alleges is appropriate.

He further reported that the C. I. O. submitted 81 application cards, of which 73 bore apparently genuine original signatures of persons whose names appear upon the Company's pay roll of August 31, 1943. Said pay roll contained the names of 177 persons in the unit hereinafter found appropriate.

The Trial Examiner reported that the C. I. O. submitted 3 additional application cards at the hearing, all of which appear to contain genuine original signatures and the names of persons appearing upon the Company's pay roll of August 18, 1943. This pay roll was concerned solely with the South Charleston plant, and indicated that there were 27 employees of the Company engaged at that plant in the unit hereinafter found appropriate.

poses the Homestead District is operated as an integrated unit. On the other hand, while the Carrie plant and the Homestead plant are practically contiguous (being located on opposite sides of the Monongahela River), the W & A plant is located approximately 13 miles, and the South Charleston plant is located approximately 250 miles, from the Homestead plant.

The employees involved herein are all militarized guards or fire inspectors and are under the supervision of a plant-protection superintendent stationed at the Homestead plant, assisted by a supervisor in charge of each of the plants. There appears to be little interchange of personnel between the Homestead plant, the South Charleston plant, and the W & A plant; however, there is frequent interchange between the Carrie plant and the Homestead plant. Wages, hours of employment, and other working conditions are the same at all four plants, with the exception that the employees in the South Charleston plant are paid by check, whereas the employees at the other three plants are paid in cash, their pay envelopes being made up at the Homestead plant. Seniority is on a plant basis rather than on a district basis. The employees at the Charleston plant are auxiliaries of the U. S. Coast Guard, whereas the employees at the other three plants are auxiliaries of the U. S. Army. However, the duties and obligations of both groups are substantially the same.

There has been no past bargaining history with respect to the plant-protection employees in the District. However, in an election conducted by the Board among the production and maintenance employees of the Company at its various plants, the employees of the Homestead District voted as a single unit.² In view of this recognition by the Board regarding the voting unit which was based largely upon the organizational and functional set-up of the District, we are of the opinion that the unit requested by the C. I. O. is the appropriate one. We are mindful of the contention of District 50 that we have found individual plants of the Company constitute appropriate units.³ However, each of these plants is a separate and distinct organizational unit in its relation to the Company, and we have adhered, as far as feasible, to such organization in determining the appropriate bargaining unit. No sufficient reason for departing from this practice has been advanced in this proceeding.

We find, therefore, that all plant-protection employees of the Company engaged in its Homestead District, composed of the Homestead, Carrie, W & A, and South Charleston plants, including watch-

² See *Matter of Carnegie-Illinois Steel Corporation*, 42 N L R B 1242

³ Cases Nos. R-5808 (Farrell plant), certification issued August 13, 1943; R-5856 (Braddock plant), certification issued August 24, 1943; and R-5861 (Duquesne plant), certification issued August 24, 1943

men, policemen, guards, and fire inspectors, but excluding administrative and confidential employees, and all 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.

V. THE DETERMINATION OF REPRESENTATIVES

We shall, in accordance with our usual procedure, direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit. Although District 50 did not give any indication whether or not it desired to participate in an election in the above-mentioned unit, we have found that its showing of representation in the unit is substantial. We shall, therefore, accord it a place upon the ballot, but shall permit it to withdraw therefrom by filing a Notice of Withdrawal with the Regional Director within ten (10) days from the issuance of the Direction of Election herein. Accordingly, we shall direct that the election be held among the employees who were employed during the pay-roll period immediately preceding the date of the Direction of Election, subject to the limitations and additions set forth herein.

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 Regulations 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 Carnegie-Illinois Steel Corporation, Pittsburgh, Pennsylvania, 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 Sixth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, 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 those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether they desire to be represented by District 50, United Mine Workers of America, or by United Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.