

In the Matter of UNITED STATES VANADIUM CORPORATION *and* UNITED  
MINE WORKERS OF AMERICA, DISTRICT 15 AND LOCAL UNION 8065

In the Matter of UNITED STATES VANADIUM CORPORATION *and* UNITED  
MINE WORKERS OF AMERICA, DISTRICT 50 AND LOCAL UNION 12729

*Cases Nos. 17-R-688 and 17-R-690, respectively.—Decided October  
28, 1943*

*Mr. William C. Treanor*, of New York City, and *Mr. Robert M. Mahoney*, of Grand Junction, Colo., for the Company.

*Mr. Frank Price*, of Denver, Colo., for District 15.

*Mr. Fred K. Hefferly*, of Denver, Colo., and *Mr. Austin Barnes*, of Florence, Colo., for District 50.

*Mr. William R. Cameron*, of counsel to the Board.

## DECISION

AND

## DIRECTION OF ELECTIONS

### STATEMENT OF THE CASE

Upon petitions severally filed by United Mine Workers of America, District 15 and Local Union 8065, herein called District 15, and United Mine Workers of America, District 50 and Local Union 12729, herein called District 50, alleging that questions affecting commerce had arisen concerning the representation of employees of United States Vanadium Corporation, Uravan, Colorado, herein called the Company, the National Labor Relations Board provided for an appropriate consolidated hearing upon due notice before Elmer L. Hunt, Trial Examiner. Said hearing was held at Uravan, Colorado, on September 13, 1943. The Company, District 15, and District 50, 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. The Company requested oral argument. This request is hereby denied.

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

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

United States Vanadium Corporation, a Delaware corporation, has its home office in New York City, and operates a number of non-ferrous metals mines and mills throughout the United States. We are here concerned with its operations in and about Uravan, Colorado, where it is engaged in the mining and milling of vanadium ores and the operation of a coal mine producing sub-bituminous coal for its own use. During the year 1942 the Company purchased supplies and machinery which were obtained from points outside the State of Colorado, for use at Uravan, amounting in value to more than \$100,000. During the same period the Company produced concentrates amounting in value to more than \$100,000, all of which were shipped to points outside the State of Colorado. The Company concedes that it is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATIONS INVOLVED

United Mine Workers of America, District 15 and Local Union 8065, is a labor organization admitting to membership employees of the Company.

United Mine Workers of America, District 50 and Local Union 12729, is a labor organization admitting to membership employees of the Company.

#### III. THE QUESTIONS CONCERNING REPRESENTATION

On July 23, 1943, District 15 and District 50 each notified the Company that it claimed to represent a majority of the employees in the respective unit which it considered to be appropriate, and requested a collective bargaining conference. The Company refused to recognize either union, questioning the appropriateness of the units claimed and the existence of the respective unions' majority representation therein.

A statement of the Regional Director, introduced in evidence at the hearing, indicates that District 15 and District 50 each represents a substantial number of employees in the respective unit which it claims to be appropriate.<sup>1</sup>

<sup>1</sup> The Regional Director reported that District 15 submitted an authorization petition, dated July 15, 1943, bearing 18 apparently genuine original signatures, all of which are

We find that questions affecting commerce have 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

District 15 seeks a unit composed of all production and maintenance employees, exclusive of supervisors, at the Company's coal mine located near Uravan, Colorado. District 50 seeks a unit composed of all production and maintenance employees of the Company in its Uravan milling operations, and its Club, Dolores, Long Park, and Monogram vanadium mines, but excluding supervisors, office and clerical employees, and employees in the laboratory, commissary, hospital, boarding house, engineering department, and Club Ranch. The Company would also include within the unit proposed by District 50, and District 50 would exclude, road maintenance employees, truck drivers, and employees in the warehouse at Grand Junction, the salt works, housing department, and Egnar mine. The Company further contends that the employees in its vanadium mining and milling operations and in its coal mine together constitute a single appropriate unit.

The Company's coal mine is located approximately 15 miles from Uravan. Nearly all the coal produced is used by the Company in its Uravan operations. The coal miners live in the town of Nucla, which is near the mine, and are transported by the Company to and from their work. While the record discloses that the process of mining coal is here more nearly similar to the mining of vanadium ore than it is in other coal mines, there are, however, certain differences, in that electrical rather than air equipment is used in the coal mine, and a somewhat different skill is required in mining. The record indicates that neither District 15 nor District 50 admits to membership employees other than those in the respective unit which it claims to be appropriate. In view of all the circumstances, we find that the employees in the Company's coal mine and the employees in the Company's vanadium mining and milling operations constitute separate appropriate units.

*Road maintenance employees:* The Company employs approximately five road maintenance employees who operate the tractors and other

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the names of persons whose names are on the Company's pay roll for the period ending August 14, 1943

The Regional Director further reported that District 50 submitted 138 authorization-application cards dated between July 15 and August 14, 1943, all of which bear the apparently genuine original signatures of persons whose names are on the above-mentioned pay roll.

The record discloses that there were approximately 22 employees in the unit claimed by District 15 to be appropriate, and approximately 208 employees in the unit claimed by District 50 to be appropriate, as of the date of the said pay roll.

machinery by which the Company maintains the roads upon its property in and about its operations at Uravan. This occupies approximately 80 percent of their time and when not so occupied they are employed at any jobs which they may be called upon by the Company to do about the mill. We shall include road maintenance employees in the vanadium mining and milling unit.

*Truck drivers:* The Company employs 13 truck drivers whose duties are to drive the trucks that deliver the ore from the Company's mines to its mill, and to truck supplies and do such other haulage jobs as may be needed. Their work is different in nature from, and not performed in close contact with, that of the production and maintenance employees. We shall exclude the truck drivers.

*Grand Junction warehouse employees:* At its warehouse in Grand Junction the Company has 10 employees, all of whose work is performed at the warehouse in loading and unloading freight, and 6 truck drivers who haul supplies to Uravan and concentrates from the mill at Uravan to the railroad at Grand Junction for shipment. Grand Junction is approximately 92 miles from Uravan. In view of the distance and dissimilarity of their work from that of the Uravan employees, we shall exclude all Grand Junction warehouse employees.

*Salt works employees:* As part of its Uravan operations the Company maintains a salt works, located approximately 11 miles from Uravan, the purpose of which is to furnish salt for use in the Company's mill. Although the salt works is closed down at the present time, and salt is obtained elsewhere, this part of the Company's operations may be reopened at any time. We shall include salt works employees in the vanadium mining and milling unit.

*Housing department employees:* The Company employs at Uravan four employees whose duties are those of janitors in the administration buildings, the commissary, and employment office, and who also maintain the yards around the plant, hospital, and housing facilities for the men. There is also a housekeeper who cleans the bunk houses in which some of the salaried employees are housed. These employees are classified by the Company as the housing department employees. Their work does not appear to be part of plant maintenance or production. We shall exclude housing department employees.

*The Egnar mine:* This mine involves the same type of operations as the Company's other vanadium mines, and ore from this mine is also transported to the Company's mill at Uravan. The mine is located, however, approximately 75 miles south of Uravan, and no means of passenger transportation, either public or furnished by the

Company, is available. The record shows that because of their inaccessibility, it would be extremely difficult for the employees of the Egnar mine to be effectively represented by a representative of the employees at Uravan. We shall therefore exclude the employees in the Egnar mine.

We find that the following groups of the Company's employees at its Uravan, Colorado, operations, constitute units appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

(1) All production and maintenance employees of the Company at its coal mine located near Uravan, Colorado, excluding superintendents, mine bosses, assistant mine bosses, face foremen, outside foremen, weigh bosses, tipple bosses, coal inspectors, washery bosses, boss drivers, night bosses, head carpenters, night watchmen, head electricians, head mechanics, barn bosses, clerks and office employees, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action;

(2) All production and maintenance employees of the Company in its Uravan, Colorado, vanadium mining and milling operations, including employees in the mill, tailings plant, powerhouse, shop, salt works, Club mine, Dolores mine, Long Park mine, and Monogram mine, and road maintenance employees, but excluding office and clerical employees, truck drivers, guards, watchmen, housing department employees, employees in the coal mine, Grand Junction warehouse, boarding house, hospital, engineering department, laboratory, commissary, Club Ranch and Egnar mine, 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.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the questions concerning representation which have arisen be resolved by elections by secret ballot among the employees in the appropriate units who were employed during the payroll period immediately preceding the date of our 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 Rela-

tions 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 United States Vanadium Corporation, Uravan, Colorado, 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, Sections 10 and 11, of said Rules and Regulations, among the employees in the units 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 and have not been rehired or reinstated prior to the date of the election, to determine (1) whether or not the employees in the coal mining unit desire to be represented by United Mine Workers of America, District 15 and Local Union 8065, for the purposes of collective bargaining; and (2) whether or not the employees in the vanadium mining and milling unit desire to be represented by United Mine Workers of America, District 50 and Local Union 12729, for the purposes of collective bargaining.

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