

In the Matter of MARINETTE MARINE CORPORATION and UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, A. F. OF L.

*Case No. 18-R-831.—Decided November 30, 1943*

*Messrs. Max C. Hellerman and Fabian C. Francois, of Marinette, Wis., for the Company.*

*Mr. Ray Zimick, of Wausau, Wis., for the Union.*

*Mr. Louis Cokin, of counsel to the Board.*

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Brotherhood of Carpenters & Joiners of America, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Marinette Marine Corporation, Marinette, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Francis X. Helgesen, Trial Examiner. Said hearing was held at Marinette, Wisconsin, on November 5, 1943. 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 error and are hereby affirmed. All parties were afforded 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

Marinette Marine Corporation is a Wisconsin corporation with its principal place of business at Marinette, Wisconsin, where it is engaged in the building of cargo vessels and tugs for the United States Maritime Commission. During the 12-month period preceding September 1, 1943, the Company purchased raw materials valued in

excess of \$100,000, about 50 percent of which was shipped to it from points outside the State of Wisconsin. During the same period, the Company delivered finished products valued at about \$1,182,000, all of which was delivered to the United States Maritime Commission.

## II. THE ORGANIZATION INVOLVED

United Brotherhood of Carpenters & Joiners of America is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

During September 1943 the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

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 National Labor Relations Act.

## IV. THE APPROPRIATE UNIT

We find, in substantial agreement with a stipulation of the parties, that all full-time production and maintenance employees of the Company, including working foremen and the stockroom clerk, but excluding guards, clerical employees, crew foremen, and any other 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, within the meaning of Section 9 (b) of the Act.

## V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

<sup>1</sup> The Regional Director reported that the Union presented 108 application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of October 1, 1943. There are approximately 238 employees in the appropriate unit.

## 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 Relations Board Rules and Regulations—Series 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Marinette Marine Corporation, Marinette, Wisconsin, 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 Eighteenth 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 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 whether or not they desire to be represented by United Brotherhood of Carpenters & Joiners of America, A. F. of L., for the purposes of collective bargaining.