

IN the Matter of PITTSBURGH COKE & IRON COMPANY and UNITED
CONSTRUCTION WORKERS, DIVISION OF DISTRICT 50, UNITED MINE
WORKERS OF AMERICA

Case No. 6-R-784.—Decided November 30, 1943

Mr. John M. Wilson, of Pittsburgh, Pa., for the Company.

Mr. Peter Ferrara, of Indiana, Pa., Mr. Luke Brett, of Pittsburgh, Pa., Messrs. Albert Lee Slagle, Robert Leasure, and Jesse Johns, of Templeton, Pa., for the Union.

Mr. William C. Baisinger, Jr., of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Construction Workers, Division of District 50, United Mine Workers of America, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Pittsburgh Coke & Iron Company, at Templeton, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before S. Craig Carnes, Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on September 24, 1943. The Company and the Union appeared and participated.¹ All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, to introduce evidence bearing upon the issues, and to file briefs with the Board. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. On October 25, 1943, the Board issued a Decision and Order dismissing the petition, on the ground that since the record indicated that the plant involved, the Company's mine at Templeton, Pennsylvania, was shut down for an indefinite period of time, no question existed concerning the representation of employees of the Company. There-

¹ A document signed by the Union and introduced into evidence at the hearing states that the Union waives the right to protest any election held as a result of this proceeding on the basis of a charge of unfair labor practices filed by it in Case No. 6-C-859.

after, the Union filed with the Board motions to reconsider and set aside the aforesaid Decision and Order and to direct an election on the basis of the record in the case, alleging in support thereof that on or about October 11, 1943, the Company resumed operations at its Templeton mine and rehired all but about nine of the original employees and further alleging that no new employees had been hired. On November 6, 1943, the Board issued a notice giving the parties until November 16, 1943, to show cause why the case should not be reinstated and an election directed on the present record. No such cause has been shown. Accordingly, the aforesaid Decision and Order is hereby vacated and the case is reinstated.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Pittsburgh Coke & Iron Company, a Pennsylvania corporation, operates plants at Iron River, Michigan, Sharpsville, Templeton, Chester, Carnegie, and Neville Island (Pittsburgh), Pennsylvania. This proceeding involves only the plant at Templeton, Pennsylvania, herein called the Templeton mine, at which the Company is engaged in mining limestone. During the last 12 months the Company has purchased operating supplies and repair materials valued at approximately \$100,000, all of which was purchased within the Commonwealth of Pennsylvania. During the same period, the Company mined and shipped from its Templeton mine limestone valued at approximately \$275,000, 90 percent of which was shipped to the Company's plant at Neville Island, Pennsylvania, where it was used in the manufacture of pig iron, coke, coke oven byproducts, cement, and activated charcoal valued in excess of \$10,000,000, of which approximately 25 percent was shipped to points outside the Commonwealth of Pennsylvania. The Templeton mine is an integral part of the operations of the Company's Neville Island plant.² For the purpose of this proceeding the Company admits that at its Templeton mine it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Construction Workers, Division of District 50, United Mine Workers of America, is a labor organization, admitting to membership employees of the Company.

²In *Matter of Pittsburgh Coke & Iron Company*, 51 N. L. R. B. 56, the Company stipulated and the Board found that at its Neville Island plant the Company was engaged in commerce within the meaning of the Act.

III. THE QUESTION CONCERNING REPRESENTATION

By letter dated July 29, 1943, the Union requested the Company to recognize it as the exclusive bargaining representative of the employees within an alleged appropriate unit. The Company refuses to accord the Union such recognition unless and until it is certified by the Board.

A statement of the Regional Director, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees within the bargaining unit hereinafter found to be appropriate.³

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

We find, in accordance with the stipulation of the parties that all production and maintenance employees employed at the Company's Templeton mine, excluding office and clerical employees, technical employees, executives, 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 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.

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 Pittsburgh Coke

³ The Regional Director reported that the Union submitted 55 application for membership cards which bear the apparently genuine original signatures of persons whose names appear on the Company's pay roll of August 6, 1943, which contains the names of 77 employees within the alleged appropriate unit.

& Iron Company, Templeton, 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 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 Construction Workers, Division of District 50, United Mine Workers of America, for the purposes of collective bargaining.