

In the Matter of AMERICAN STEEL FOUNDRIES (CAST ARMOR PLANT)
and UNITED STEELWORKERS OF AMERICA, LOCAL UNION 2776, C. I. O.

Case No. 13-R-1994.—Decided December 4, 1943

Pope & Ballard, by Mr. Charles B. Kaufman, of Chicago, Ill., and Mr. Richard Cooper, of Chicago, Ill., for the Company.

Mr. John M. Mayerik, of Chicago, Ill., and Mr. Raymond C. Dixey, of East Chicago, Ind., 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 Steelworkers of America, Local Union 2776, C. I. O., herein called the Union, alleging that a question affecting commerce has arisen concerning the representation of employees of American Steel Foundries, Cast Armor Plant, East Chicago, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George F. Freudenthal, Jr., Trial Examiner. Said hearing was held at Chicago, Illinois, on November 17, 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.

American Steel Foundries is a New Jersey corporation operating plants in the States of Illinois, Ohio, Indiana, Pennsylvania, and New Jersey. We are here concerned with its Cast Armor Plant at East

Chicago, Indiana, where it is engaged in the manufacture of tank castings, gun mounts, and railroad castings. During the 12-month period ending October 31, 1943, the Company purchased raw materials for use at its Cast Armor Plant valued in excess of \$1,000,000, approximately 75 percent of which was shipped to it from points outside the State of Indiana. During the same period the Company sold products from its Cast Armor Plant valued in excess of \$2,000,000 over 90 percent of which was shipped to points outside the State of Indiana. The Company admits, for the purpose of this proceeding, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Steelworkers of America, Local Union 2776, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On August 2, 1943, the Union requested the Company to recognize it as the exclusive collective bargaining representative of certain employees at the Cast Armor Plant. 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.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

We find, in agreement with a stipulation of the parties, that all salaried clerical, telephone, and escort employees at the Cast Armor Plant of the Company at East Chicago, Indiana, excluding employees of the personnel department (but not escort employees), confidential, administrative, professional, and technical employees, salary pay-roll clerks, time-study technicians, draftsmen, 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.

¹ The Regional Director reported that the Union presented 86 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of August 10, 1943. There are approximately 225 employees in the appropriate unit.

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 American Steel Foundries, Cast Armor Plant, East Chicago, Indiana, 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 Thirteenth 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 Steelworkers of America, Local Union 2776, C. I. O., for the purposes of collective bargaining.