

In the Matter of MARINE IRON WORKS, INC. and UNITED BROTHERHOOD OF WELDORS, CUTTERS AND HELPERS OF AMERICA LOCAL NO. 3

Case No. 19-R-979.—Decided January 3, 1944

Mr. C. M. Hansen, of Tacoma, Wash., for the Company.

Mr. Merle A. Masteller, of Tacoma, Wash., for the Weldors.

Mr. L. Presley Gill, of Seattle, Wash., for the Metal Trades Council and affiliates.

Mr. Glenn L. Moller, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by United Brotherhood of Weldors, Cutters and Helpers of America, Local No. 3, herein called the Weldors, alleging that a question affecting commerce had arisen concerning the representation of employees of Marine Iron Works, Inc., Tacoma, Washington, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John E. Hedrick, Trial Examiner. Said hearing was held at Tacoma, Washington, on September 25, 1943. The Company, the Weldors, and Tacoma Metal Trades Council, herein called the MTC, on behalf of Blacksmiths' Union No. 209, Shopmen's Union No. 581, and Machinists' Union No. 297, appeared and participated. All parties 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 an opportunity to file briefs with the Board.

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

FINDING OF FACT

I. THE BUSINESS OF THE COMPANY

Marine Iron Works, Inc., a Washington corporation, with its office and plant at Tacoma, Washington, is engaged in the manu-

facture and sale of all types of iron and steel products. Virtually all of its products are manufactured pursuant to contracts with other firms. The principal raw materials used by the Company are steel billets, plates, castings, iron and bronze, most of which is shipped to the plant from points within the State of Washington. It is estimated, however, that approximately 75 percent of the raw materials is shipped to the Company's vendors from points outside the State of Washington. During the period from June 1, 1942, to June 1, 1943, the Company's purchases of raw materials amounted in value to approximately \$100,000. During the same period, the Company manufactured products valued at approximately \$200,000, approximately 15 to 20 percent of which was sold and shipped to points outside the State of Washington. Over 99 percent of the Company's production is devoted to the war effort.

The Company admits and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

United Brotherhood of Welders, Cutters and Helpers of America, Local 3, is an unaffiliated labor organization admitting to membership employees of the Company.

Tacoma Metal Trades Council is a labor organization, affiliated with the American Federation of Labor, admitting to membership employees of the Company through its affiliates, International Association of Machinists, Cascade Lodge No. 297, Bridge Structural and Ornamental Iron Workers, Shopmen's Local No. 581, and International Brotherhood of Blacksmiths, Drop Forgers and Helpers, Local No. 204.

III. THE ALLEGED QUESTION CONCERNING REPRESENTATION IN AN APPROPRIATE UNION

The Weldors contends that all welders, cutters, and their respective helpers in the Company's employ constitute an appropriate unit. The MTC and the Company contend that a separate unit of welders would be inappropriate, claiming that there are no welders, as such, in the employ of the Company.

The Company's operations are carried on at its main plant and at a smaller shop about a half mile away from the main plant. The main plant operations are divided into a blacksmith shop, machine shop, and a structural shop, and the contracts of the MTC affiliates cover units coincident with these divisions of the Company's operations. All of the employees at the smaller detached shop are machinists and are covered by the Company's contract with the IAM.

In the structural shop at the main plant are 8 men who spend most of their time at various welding operations, while 3 others do most of the cutting that is done with the torch. These employees spend about 90 percent of their time in the structural shop, and have been considered by the Company and by the MTC as coming under the jurisdiction of the Iron Workers. They are under the supervision of the foreman of the structural shop. At the present time they spend from 75 to 80 percent of their time in welding or cutting, while the remainder of their time is spent in lay-out work, riveting, and such other tasks as are assigned to them by the structural foreman. The Company's operations are conducted solely pursuant to contracts with other concerns, and the type of work which the employees may have to do at any particular time is determined by the nature of the work required by the contracts upon which the Company is working at the time. The Company has pointed out that the work required by some of its contracts may not require the services of welders and that, unless it is free to transfer employees from welding to other functions, it would be forced to lay them off and to seek new employees. We find that the unit proposed by the Weldors is inappropriate for the purposes of collective bargaining.¹

We accordingly find that no question has arisen concerning the representation of employees of the Company in an appropriate bargaining unit. The petition for investigation and certification of representatives will be dismissed.

ORDER

Upon the basis of the foregoing findings of fact and the entire record in the case, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives filed by United Brotherhood of Weldors, Cutters and Helpers of America, Local No. 3, be, and it hereby is, dismissed.

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

¹ *Matter of Port Houston Iron Works*, 46 N. L. R. B. 155.