

**IN the Matter of ALUMINUM COMPANY OF AMERICA and UNITED  
BROTHERHOOD OF WELDERS, CUTTERS AND HELPERS OF AMERICA,  
LOCAL 42**

*Case No. 19-R-1172.—Decided January 10, 1944*

*Mr. J. P. Haight*, of Spokane, Wash., for the Company.

*Mr. Clyde Warrior*, of Spokane, Wash., for the Weldors.

*Messrs. Ben Fisher and Virgil Burtz*, of Spokane, Wash., for the  
CIO.

*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 42, herein called the Weldors, alleging that a question affecting commerce had arisen concerning the representation of employees of Aluminum Company of America, Trentwood, Washington, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Joseph D. Holmes, Trial Examiner. Said hearing was held at Spokane, Washington, on October 13, 1943. The Company, the Weldors, and Aluminum Workers of America, Local 38, CIO, herein called the CIO, 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. Since the hearing the CIO has filed a motion to introduce additional evidence of its membership in the proposed unit. In view of our decision herein, the additional evidence sought to be introduced is irrelevant. The motion is hereby denied.

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

**FINDINGS OF FACT**

**I. THE BUSINESS OF THE COMPANY**

Aluminum Company of America is a corporation engaged in the manufacture and fabrication of aluminum, with plants and offices

in several states. The only operation of the Company here involved is a rolling mill located at Trentwood, Washington. The mill is owned by the Defense Plant Corporation and leased to the Company for operation. The principal raw materials used at the plant are pig aluminum and coal. The plant uses annually about 200,000,000 pounds of pig and ingot aluminum, approximately 25 percent of which is shipped to the plant from points outside the State of Washington. The Company produces annually at the plant about 150,000,000 pounds of sheet aluminum, approximately 75 percent of which is shipped from the plant to points outside the State of Washington.

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

## II. THE ORGANIZATIONS INVOLVED

United Brotherhood of Weldors, Cutters and Helpers of America, Local 42, is an unaffiliated labor organization admitting to membership employees of the Company.

Aluminum Workers of America, Local 38, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

## III. THE ALLEGED QUESTION CONCERNING REPRESENTATION IN AN APPROPRIATE UNIT

On August 19, 1943, the Board found appropriate, in a representation proceeding instituted by the CIO, an industrial unit of the Company's employees.<sup>1</sup> Subsequent to the hearing in that case, but before the Decision was issued, the Weldors filed its petition. The Weldors had not been served with a notice of the preceding hearing and had not participated therein. In our Decision in that case we stated:

In the interest of expedition and pursuant to a motion by the CIO, we shall make no finding in respect to the United's petition in this Decision, but shall exclude welders, cutters, and their respective helpers, from the appropriate unit herein. However, this exclusion shall be without prejudice to a later determination, after an examination of the relevant facts, that such employees should not be set apart from the production and maintenance employees of the Company.

The hearing in the instant proceeding was concerned with the relevant evidence necessary to determine whether or not the employees classified as welders and cutters should be set apart in a separate bar-

<sup>1</sup> 51 N. L. R. B. 1442.

gaining unit. From the entire record in the case, we conclude that they should not be set apart for reasons hereinafter set forth.

The welders do not constitute a distinct department of the Company's operations. They work principally in a corner of the machine shop where their equipment is set up: Between 60 and 70 percent of their time is spent in the machine shop, while the remainder of their time is devoted to doing repair and maintenance work in other parts of the plant. They have no separate supervision and are supervised by the foremen of the machine shop. There are no welder's helpers as such, the general machine shop helpers providing whatever assistance is required by the welders and cutters. In view of these circumstances and upon the entire record in the case, we are of the opinion that the unit here sought by the Weldors is not appropriate for the purposes of collective bargaining.<sup>2</sup> We find that no question concerning representation has arisen concerning employees of the Company in an appropriate bargaining unit. We shall, therefore, dismiss the petition.

From the foregoing it is apparent that the employees here involved should be included in the over-all production and maintenance unit previously found appropriate. We also note that the outcome of the election in that proceeding was such that the incorporation of the employees here involved into the unit previously established could not affect the outcome of the election in that case. We shall, therefore, amend our certification in the earlier proceeding accordingly.

### 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 filed by United Brotherhood of Weldors, Cutters and Helpers of America, Local 42, be, and it hereby is, dismissed.

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

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<sup>2</sup> *Matter of Port Houston Iron Works*, 46 N. L. R. B. 155; *Matter of John Deere Tractor Co.*, 47 N. L. R. B. 1316; *Matter of Timm Aircraft Co.*, 48 N. L. R. B. 105; *Matter of Harbor Boat Building Co.*, 52 N. L. R. B. 658.