

In the Matter of TODD-GALVESTON DRY DOCKS, INC. and GENERAL DRIVERS AND HELPERS LOCAL UNION No. 940 OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN, AND HELPERS OF AMERICA, A. F. OF L.

Case No. 16-R-774.—Decided January 15, 1944

Messrs. G. C. Rickert, James L. Horn, and Jesse E. Johnson, of Galveston, Tex., for the Union.

Mr. R. J. Vanderwende, of Galveston, Tex., and Mr. Sam H. Benbow, of Houston, Tex., for the Company.

Mr. Joseph E. Gubbins, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon petition duly filed by General Drivers and Helpers Local Union No. 940 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America, affiliated with the American Federation of Labor, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Todd-Galveston Dry Docks, Inc., Galveston, Texas, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Gustaf B. Erickson, Trial Examiner. Said hearing was held at Galveston, Texas, on December 3, 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

Todd-Galveston Dry Docks, Inc., a Delaware corporation licensed to do business in Texas, is engaged in constructing, repairing, and

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reconditioning oceangoing vessels at Galveston, Texas. During the year 1943, the Company purchased raw materials valued at several million dollars for its Galveston yard, approximately 70 percent of which was shipped from points outside the State of Texas. The total volume of business done by the Company, during the same period, amounted to approximately \$18,000,000. Prior to July 6, 1943, the Company was engaged solely in reconditioning, reconstructing, and repairing vessels. On the afore-mentioned date, the Company entered into an agreement with the Maritime Commission whereby it committed itself to complete the construction of 12 ships, the contract for which had been originally awarded by said Commission to the Gray Iron Works, herein called the Gray Company, and under which there had been partial performance by the Gray Company. The Company took over the land, ships, machinery, equipment, and materials of the Gray Company, all of which was and is owned by the Maritime Commission; the Gray Company's plant is adjacent to the Company's yard and it is now called the shipbuilding division of the Company. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

Following the cancellation of the contract, the Gray Company released its employees and they were rehired by the Company to work in its shipbuilding division. The record reveals that late in February 1944, the Company will have completed the construction of the vessels originally commenced by the Gray Company, and that there is no reasonable expectation that its shipbuilding division will be operated thereafter. Since it appears that the employment of the persons involved herein¹ will terminate in the near future, insofar as the shipbuilding division is concerned,² we are of the opinion that it will serve no useful purpose to proceed with a determination of representatives at this time.³

Under the circumstances, the present petition will be dismissed without prejudice to the filing of a motion by the Union to reinstate the petition herein and to proceed upon the present record in the event a showing is made that the Company has been awarded further Government contracts, or has secured other business, which will necessitate the continuation of operations in its shipbuilding division.

¹ The unit requested is comprised of all warehouse employees, material checkers, truck drivers and helpers in the Company's shipbuilding division.

² It appears that the Company anticipates employing in its repair yard as many as possible of the present employees in the shipbuilding division when that division ceases to operate. The Union, however, has not organized and does not seek to represent any employees in the Company's repair yard.

³ *Matter of Fruco Construction Company, et al.*, 38 N. L. R. B. 991.

ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Todd-Galveston Dry Docks, Inc., Galveston, Texas, filed by General Drivers and Helpers Local Union No. 940 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America, affiliated with the American Federation of Labor, be, and it hereby is, dismissed without prejudice.

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