

IN THE MATTER OF UTAH COPPER COMPANY AND KENNECOTT COPPER CORPORATION and INTERNATIONAL UNION OF MINE, MILL AND SMELTER WORKERS, FOR ITSELF, AND ON BEHALF OF ITS LOCAL UNION No. 392, C. I. O.

*Case No. 20-R-829.—Decided February 7, 1944*

*Messrs. C. C. Parsons and A. D. Moffat, of Salt Lake City, Utah, for the Company.*

*Mr. Willard Y. Morris, of Denver, Colo.; Messrs. Howard Lee and Dan Edwards, of Salt Lake City, Utah; and Mr. Lloyd D. Land, of Murray, Utah, for the Smelter Workers.*

*Mr. A. H. Petersen, of Salt Lake City, Utah, for the Metal Trades Council.*

*Mr. A. L. Smith, of Denver, Colo., for the I. B. E. W.*

*Mr. W. O. Peters, of Salt Lake City, Utah, for the I. A. M.*

*Mr. Frank Delvie, of Salt Lake City, Utah, for the Teamsters.*

*Mr. J. Rhead Pendleton, of Salt Lake City, Utah, for the Boiler-makers.*

*Mr. Frederic B. Parkes, 2nd, of counsel to the Board.*

## DECISION

AND

## DIRECTION OF ELECTIONS

### STATEMENT OF THE CASE

Upon petition duly filed by International Union of Mine, Mill and Smelter Workers, for itself, and on behalf of its Local Union No. 392, C. I. O.,<sup>1</sup> herein called the Smelter Workers, alleging that a question affecting commerce had arisen concerning the representation of employees at the Arthur and Magna Mills of Utah Copper Company and Kennecott Copper Corporation, Salt Lake City, Utah, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John Paul Jennings, Trial Examiner. Said hearing was held at Salt Lake City, Utah, on October 21, 22, and 23, 1943. At the commencement of the hearing, the Trial Examiner granted the motions to intervene filed

<sup>1</sup> The name of the Smelter Workers appears herein as amended at the hearing.

by the following organizations, collectively called herein the AFL Unions: Utah Metal Trades Council, A. F. of L., herein called the Metal Trades Council; Lodge No. 1261, International Association of Machinists, A. F. of L., herein called the I. A. M.; Local Union No. 1081, International Brotherhood of Electrical Workers, A. F. of L., herein called the I. B. E. W.; Local 605, International Brotherhood of Boiler Makers, Iron Ship Builders, Welders and Helpers of America, A. F. of L., herein called the Boilermakers; and Local 222, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, A. F. of L., herein called the Teamsters. At the beginning of the hearing, the Trial Examiner denied the motion<sup>1</sup> to intervene filed by Independent Association of Mill Workers, herein called the Independent. The Independent also filed a petition, requesting that the Board direct an election and that the name of the Independent appear on the ballot. Ruling thereon was reserved for the Board by the Trial Examiner. The petition is hereby denied.<sup>2</sup> The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.<sup>3</sup>

On October 30 and November 1, 1943, respectively, the Smelter Workers and the I. B. E. W. filed briefs, which have been considered by the Board.

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

## FINDINGS OF FACT

### I. THE BUSINESS OF THE COMPANY

Utah Copper Company, a Delaware corporation, is a wholly owned and controlled subsidiary of Kennecott Copper Corporation, a New York corporation. Utah Copper Company, as agent for Kennecott Copper Corporation, operates a large open-pit copper mine, as well as bleaching and precipitation plants and other properties, located at Bingham Canyon, Utah. Utah Copper Company also operates the two mills, involved in the present proceeding, known as the Arthur and Magna mills, which are located approximately 17 miles from the mine.

Ore is shipped from the mine to the Arthur and Magna mills, where the ores are reduced to copper concentrates. These concentrates, and a small amount of concentrates produced at the mine,

<sup>2</sup> The Independent was ordered disestablished by the Board's Decision and Order issued on February 20, 1943. See *Utah Copper Company v. N. L. R. B.*, 139 F. (2d) 788 (C. C. A. 10), enforcing *Matter of Utah Copper Company, a Corporation*, 47 N. L. R. B. 757.

<sup>3</sup> The Trial Examiner reserved ruling for the Board upon the motion of the Metal Trades Council that no election be held in the present proceeding until after the 10th Circuit Court of Appeals rendered its decision in the then pending litigation over the Board's Order of disestablishment in Case C-2354-5. Since the court rendered its decision in December 1943, the motion is now moot. See footnote 2, *supra*.

are in turn smelted at Garfield, Utah, in a smelter adjacent to the Company's property, operated by American Smelting and Refining Company. Blister copper, the resultant of the smelting operation, is shipped to three refineries operated by American Smelting and Refining Company in the States of Maryland, New Jersey, and Washington. There, the blister copper is refined and the copper and precious metals, of which the blister copper is composed, are separated, purified, and prepared for sale. The finished products are sold by Kennecott Copper Corporation through its wholly owned subsidiary, Kennecott Sales Corporation.

During the period from September 1, 1942, to August 31, 1943, approximately 319,540 tons of blister copper smelted from concentrates produced at the Arthur and Magna mills, were shipped to refineries outside the State of Utah. During the same period, 10,872 tons of molybdenite concentrates, produced as a byproduct at the mills, were shipped outside the State of Utah. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act. The Company employs approximately 1,320 non-supervisory employees at its Arthur and Magna mills.

## II. THE ORGANIZATIONS INVOLVED

International Union of Mine, Mill and Smelter Workers, Local Union No. 392, is a labor organization affiliated with the Congress of Industrial Organizations, admitting employees of the Company to membership.

Utah Metal Trades Council; Lodge No. 1261, International Association of Machinists; Local Union No. 1081, International Brotherhood of Electrical Workers; Local 605, International Brotherhood of Boiler Makers, Iron Ship Builders, Welders and Helpers of America; and Local 222, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers are labor organizations affiliated with the American Federation of Labor, admitting employees of the Company to membership.

## III. THE QUESTIONS CONCERNING REPRESENTATION

On August 17 and again on August 25, 1943, the Smelter Workers by letter requested that the Company recognize it as the collective bargaining representative of the Company's employees at the Arthur and Magna Mills. The Company did not reply to either letter, and, at the hearing, all parties stipulated that the Company refused to grant the request of the Smelter Workers because of the pendency of proceeding in Case No. C-2354-5 in the United States Circuit Court of Appeals for the Tenth Circuit, involving the validity of the Board's Order that the Company disestablish and withdraw recognition from

the Independent<sup>4</sup> and also because the Company questioned that the Smelter Works represented a majority of the employees at the two mills. Statements of the Trial Examiner introduced in evidence show that the Smelter Workers and the AFL Unions each represents a substantial number of employees in the unit each claims to be appropriate.<sup>5</sup>

<sup>4</sup> See footnote 2, *supra*

<sup>5</sup> The Trial Examiner reported that the Smelter Workers submitted 664 wage assignments covering check-off of dues, of which 289 were undated and the remainder were dated as follows: 1 in 1938, 8 in 1939, 46 in 1940, 110 in 1941, 1 in 1942, and 209 in 1943. All assignments bear apparently genuine original signatures, and, according to the representation of the Smelter Workers to the Trial Examiner, none of the assignments have been revoked. The Smelter Workers also submitted to the Trial Examiner 27 authorization cards dated during 1943 and 15 applications for membership, of which 1 is undated and the remainder are dated as follows: 11 in 1943, 2 in 1942, and 1 in 1941. The Trial Examiner ascertained that 412 of the 706 names appearing upon the assignments, authorizations, and applications also appear upon the pay roll of October 15, 1943, which contains the names of approximately 1,389 employees within the unit alleged to be appropriate by the Smelter Workers.

The Trial Examiner further reported that the Metal Trades Council submitted 361 authorization cards, dated on or after October 19, 1943, as proof of representation for itself and also for the I. B. E. W., the I. A. M., the Boilermakers, and the Teamsters. In addition, the Boilermakers submitted 13 authorization cards, dated in June 1943; the I. A. M. presented 45 authorization cards and 2 application cards designating the Boilermakers, all dated in October 1943; the I. B. E. W. submitted 32 authorization cards of which 2 were undated and the remainder were dated as follows: 8 in June 1943, 1 in September 1943, and 21 in October 1943. All 452 cards bore apparently genuine original signatures, of which 361 appeared upon the Company's pay roll of October 15, 1943. A total of 62 employees signed authorization cards for both the Smelter Workers and the AFL Unions.

The Trial Examiner also examined the cards in order to determine the representation of the AFL Unions and the Smelter Workers within the units alleged to be appropriate by the Teamsters, the I. B. E. W., the Boilermakers, and the I. A. M. This examination revealed that the Metal Trades Council had presented authorization cards signed by 17 employees within the unit alleged by the Teamsters to be appropriate, and that the Smelter Workers had submitted 5 authorizations signed by employees within such unit, which included approximately 30 employees.

The examination further revealed that the I. B. E. W. had submitted authorization cards signed by 27 employees within the unit alleged by the I. B. E. W. to be appropriate and that the Smelter Workers had presented 27 authorizations by employees within such unit, which embraced 68 employees. Nine employees had signed authorization cards for both the I. B. E. W. and the Smelter Workers.

The examination likewise revealed that the Boilermakers had submitted 1 authorization card designating the Boilermakers and 56 authorization cards designating the Metal Trades Council, all signed by employees within the unit claimed by the Boilermakers to be appropriate and that the Smelter Workers had submitted 79 authorizations signed by employees within such unit, which embraced a total of 171 employees. Thirteen employees had signed authorization cards for both the Metal Trades Council and the Smelter Workers.

The examination similarly revealed that the I. A. M. had submitted 45 cards designating the I. A. M., 69 cards designating the Metal Trades Council, and 2 cards designating the Boilermakers, all signed by employees within the unit urged by the I. A. M. and that the Smelter Workers had submitted 84 authorizations signed by employees in such unit, which included approximately 286 employees. Of these employees, 13 had signed designations for both the AFL and the Smelter Workers.

The Trial Examiner reported, in conclusion, that the AFL Unions submitted approximately 45 cards signed by employees not within the unit alleged by them to be appropriate. Of these cards, approximately 15, submitted by the I. B. E. W. and the Boilermakers, contained the names of employees in the ore delivery department, and approximately 30 cards, presented by the Metal Trades Council, contained the names of clerical or technical employees.

We find that questions affecting commerce have arisen concerning the representation of employees of the Company within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

#### IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

##### *A. Contentions of the parties*

The Smelter Workers contends that all production and maintenance employees of the Company's Arthur and Magna mills, excluding supervisory, office, clerical, and technical employees, timekeepers, guards, watchmen, office janitors, and the employees of the ore delivery back shop department, ore delivery engine house department, and ore delivery car shop department,<sup>6</sup> constitute a unit appropriate for the purposes of collective bargaining. The Company, in general, agrees with the contentions of the Smelter Workers regarding the unit issue.

On the other hand, the I. B. E. W., the Boilermakers, the I. A. M., and the Teamsters each seeks a bargaining unit composed of certain skilled employees of both mills. The Metal Trades Council urges, in general, a unit composed of the remaining production and maintenance employees who are not included in the units sought by the other AFL Unions.

The production process, equipment, and organization of the Arthur and Magna mills are, in general, identical. Ore from the Company's Bingham Canyon mine, 17 miles distant from the mills, is delivered by the company-owned railroad and is dumped from the cars into a large crusher in the coarse-crushing department. There, the ore is ground and is transferred by means of gravity to the fine-crushing department, where it is ground still further. Conveyor belts carry the ore from the fine-crushing department to the ball mill department, where it is mixed with water and ground to the consistency of fine powder. The ore thus processed then passes to the de-watering department which removes nearly all the water. The finely ground ore is transported to the flotation department. There, chemicals are added, separating the ore concentrate from the refuse. The concentrate, the ultimate product of the milling process, is shipped to the smelter of another company. The Company obtains the water supply required by its operations, manufactures lime for use in the milling process, and has other departments accessory to its principal operations. The Company and the labor organizations agree to the inclusion in the unit of all eligible employees of these accessory departments.

<sup>6</sup> The Railway Mediation Board has certified the Railway Shop Department of the American Federation of Labor as the representative of all employees of the ore delivery departments.

In charge of the operations of each mill is a mill superintendent under a general superintendent who supervises the entire operations of both mills. Employees of each mill are divided into the mechanical, electrical, construction or carpenter, operations, and metallurgical departments, supervised respectively by a master mechanic, plant electrician, carpenter foreman, three mill foremen, and metallurgical engineer. An extraordinarily large maintenance crew is employed at each mill, repairing machinery and equipment and making replacement parts, and its members are classified under various repair departments and mechanical shops. When working in the mill, the repair and shop employees, who greatly outnumber the employees engaged in the operation departments, generally work as crews composed of groups of employees from different crafts or with different skills, each employee performing the type of repair work for which he is qualified.

The I. B. E. W. seeks to represent the employees of the electrical department at each mill, classified as armature winders, electricians, apprentices, and helpers, and also the employees of the central station at Magna, classified as linemen, load dispatchers, and helpers. These employees are under the supervision of the plant electrician and electric foremen. The electrical department employees work either in the electric shop or in repair work throughout the plant. The employees of the central station spend their time either in the Company's powerhouse or central station, or away from the mills, repairing or maintaining power lines from the central station to the mills or to the mine at Bingham. Although the employees of the central station are not all skilled electricians, as are most of the electrical department employees, the employees within the unit proposed by the I. B. E. W. exercise common seniority and are engaged in electrical work under common supervision.<sup>7</sup>

The unit urged by the Teamsters embraces the truck drivers of the yards department, warehousemen and the material clerk in the plant warehouse at each mill, canal patrolmen in the initial water supply department at Magna, and ambulance drivers. The truck drivers, canal patrolmen, and ambulance drivers have the common duty of driving motor-powered vehicles. The warehousemen check in supplies delivered by the truck drivers and store them in appropriate places in the warehouses.

Included in the unit proposed by the Boilermakers are the employees of the boiler shop, the tin shop, and the rigger department. The em-

<sup>7</sup> At the time of the hearing a new powerhouse was being constructed. When in operation, the powerhouse will employ electricians and other craftsmen. Since, on the basis of the record before us, it is impossible to ascertain the number of such craftsmen and the nature of their duties, and since the powerhouse may not be completed at the time of the elections, we shall consider that the employees of the proposed powerhouse are not involved in this proceeding.

ployees of the boiler shop are classified as layer-out, welders of various grades, boilermakers, cranemen, machinemen, shear and punch men, apprentices, and helpers. They spend their time either in the boiler shop or in the plant working in conjunction with other craftsmen on repair work. The employees of the tin shop work either in the mill or in the shop, which at Arthur is located in the boiler shop and at Magna is located in the machine shop. The employees of the rigger department are classified as cranemen and helpers on the pay roll and work throughout the plant, unloading or moving heavy machinery and assisting in any construction work.

The I. A. M. urges a unit composed of the employees of the machine shop, blacksmith shop, pipe shop, repair machinist department, and certain mechanical repairmen and repair helpers. The machine shop employees are classified as machinists, machinemen, machinist apprentices, helpers, and cranemen. They work either in the shop or in the plant making necessary repairs in conjunction with other craftsmen. The blacksmith shop employees include blacksmiths, hammermen, and helpers, working for the most part in the blacksmith shop. Pipe shop employees spend a large part of their time in the plant. Repair machinists are a crew of skilled machinists under the supervision of the crushing repairs foreman or flotation repairs foreman. They spend substantially all their time in repair work in the mills. Machinist repairmen are semi-skilled employees engaged in the maintenance of the operating equipment of the mills, being assisted by helpers and cranemen. Certain machinist repairmen are carpenters, who are not claimed by the I. A. M. but are included in the residual unit sought by the Metal Trades Council.

The Metal Trades Council desires to represent the remaining production and maintenance employees not included in the units urged by the other AFL Unions. The Smelter Workers and the Company deny the appropriateness of the units sought by the AFL Unions and insist that a single industrial unit of all production and maintenance employees of both mills is appropriate for collective bargaining purposes.

In support of its contentions for an industrial unit, the Smelter Workers points to the fact that the Board has previously found that the production and maintenance employees of the Arthur and Magna mills constituted an appropriate unit<sup>8</sup> and to the history of collective bargaining between the Company and the Independent upon an industrial unit basis. Pursuant to the Board's direction, an election and a run-off election were held in August and September 1938, respectively, but neither of the labor organizations succeeded in winning the election.<sup>9</sup> A prior determination that a certain unit is an appropriate

<sup>8</sup> *Matter of Utah Copper Company, a Corporation*, 7 N. L. R. B. 928

<sup>9</sup> *Matter of Utah Copper Company, a Corporation*, 8 N. L. R. B. 963; 9 N. L. R. B. 775.

bargaining unit is a circumstance which is given weight by the Board in a subsequent proceeding involving the same plant or company, but when such prior determination has not resulted in either a certification or in any bona fide collective bargaining history, the prior determination is not controlling.<sup>10</sup> A consent election, based upon the stipulation of the parties, was held in July 1939 on an industrial unit basis and was won by the Independent. However, the Board subsequently found that the Independent was dominated by the Company and ordered that the Independent be disestablished.<sup>11</sup> Since we have found that the Company dominated and interfered with the formation and administration of the Independent and contributed support thereto, the experience of the Independent in collective bargaining is not significant and cannot be accorded weight as indicative of the employees' own desires concerning the definition of a unit appropriate for the purposes of collective bargaining.<sup>12</sup>

It is apparent, from the above statement of the claims of the I. B. E. W., I. A. M., Teamsters, and Boilermakers, that the units sought by them are composed of employees in various departments doing work of a similar or related nature and ordinarily found in craft units.<sup>13</sup> While the integrated nature of the mill operations indicates the appropriateness of a single unit embracing all production and maintenance employees, the units sought by the craft organizations are composed of skilled employees, their apprentices and helpers, engaged in duties which make their problems similar. As indicated previously in Section III, each of the craft organizations has organized substantial numbers of employees in craft groups heretofore described, and the Metal Trades Council has organized a substantial number of the employees not within the craft groups. The Smelter Workers, on the other hand, has enlisted the membership of a substantial number of employees on an industrial basis.

From the foregoing it appears that the employees in the units proposed by the AFL Unions might properly constitute separate bargaining units or might be merged in a single unit with all other production and maintenance employees. In this situation, our determination of the bargaining unit or units will depend, in part, upon the results of separate elections, hereinafter directed.<sup>14</sup>

<sup>10</sup> See *Matter of Kentucky Fluorspar Company*, 52 N. L. R. B. 227.

<sup>11</sup> See footnote 2, *supra*.

<sup>12</sup> See *Matter of The Pure Oil Company*, 8 N. L. R. B. 207; *Matter of Norristown Box Company*, 32 N. L. R. B. 895, and cases cited therein.

<sup>13</sup> The record shows that the employees within the I. A. M.'s unit are engaged in work generally common to all, i. e., mechanical work. The employees the Boilermakers seek to represent are jointly engaged in sheet metal and steel construction work.

<sup>14</sup> See *Matter of Utah Copper Company*, 49 N. L. R. B. 901, and cases cited therein.

### B. *The voting units*

There remains for consideration the specific composition of the voting groups. The parties are in agreement as to the exclusion of foremen, subforemen, shift bosses, guards, watchmen, office employees, clerical employees, technical employees, and employees of the ore-delivery back shop department, ore delivery engine house department, and ore delivery car shop department. We shall exclude such employees from the unit.

The Metal Trades Council would include and the Smelter Workers would exclude the following employees:

(1) *Foremen's clerks* work outside the main office building, but they spend their time exclusively in clerical work in the foremen's offices. Normally, they seek promotion through the office and not as production or maintenance employees. We shall exclude foremen's clerks from the voting units.

(2) *Gardeners* care for the lawns, trees, and shrubbery on the Company's premises during most of the year. During the winter months they perform odd jobs in the plant. Since they apparently are engaged part of the year in production and maintenance work, we shall include gardeners in the residual voting unit.

(3) *Timekeepers*. It appears that the Company employes no timekeepers in the normal sense of the term and that time records are computed in the main office from time-cards punched by the employees as they enter and leave the plant. Since timekeepers obviously perform clerical functions, we shall exclude timekeepers from the voting unit.

(4) *Office janitors*. All parties would include the janitors who work in the mills. The janitors of both the mills and the offices are engaged in cleaning work, although the work in the office is somewhat more pleasant than that in the mill. The shop janitors are, for the most part, old employees who have worked for many years in the mills and are no longer able to perform their regular work. The office janitors are mostly women. Office janitors may bid for jobs in the shops and shop employees are eligible to seek the jobs of office janitors. Since it appears that the interests of office janitors are more closely related to those of production and maintenance employees than to those of office employees, we shall accordingly include office janitors in the residual voting unit.

The Metal Trades Council and the Smelter Workers would include *part-time employees* in the unit each claims to be appropriate, but the Company urges their exclusion. The part-time employees are composed of two groups, farmers living in the vicinity, and students of neighboring schools. The farmers work for the Company 4 days per week. During the summer, the students over 17, but under 18, years of age work 40-hours per week; those over 18 work 48 hours. They

acquire no seniority rights until they become 18. During the school year the students work Saturdays and Sundays. In view of these facts, we shall include part-time employees in the voting units.<sup>15</sup>

The Teamsters would include in its unit, and the Smelter Workers would exclude, warehouse material clerks who keep records of supplies on hand and make inventories. Since their duties are similar, if not identical, to those of foremen's clerks, we shall exclude material clerks from the voting units.

Machinists of the garage and foundry were not specifically included in the I. A. M.'s unit. Since these employees apparently are engaged in duties similar to those of other machinists the I. A. M. desires to represent, we shall include them in the machinists' voting unit.

All parties agreed to the inclusion in the unit of employees classified as bosses. On the basis of the record before us, we cannot acquiesce in the request of the parties. It is contended that the bosses are simply leadmen. However, they assign work, relay orders, and have authority to recommend the discipline of their subordinates. They are paid a higher rate than the men in their gangs. We shall exclude bosses from all voting units.<sup>16</sup>

Upon the basis of the entire record and in accordance with the foregoing findings of fact, we shall order elections among the employees of the Company's Arthur and Magna mills within the groups described below:

(1) The employees of the electrical department and of the central station, including part-time employees, but excluding foremen, subforemen, shift bosses, bosses, foremen's clerks, timekeepers, 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, to determine whether they desire to be represented by the I. B. E. W. or by the Smelter Workers, for the purposes of collective bargaining, or by neither;

(2) The truck drivers of the yards department, warehousemen, canal patrolmen, and ambulance drivers, including part-time employees, but excluding foremen, subforemen, shift bosses, bosses, foremen's clerks, material clerks, timekeepers, 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, to determine whether they desire to be represented by the Teamsters or by the Smelter Workers, for the purposes of collective bargaining, or by neither;

<sup>15</sup> See *Matter of Utah Copper Company*, 49 N. L. R. B. 901.

<sup>16</sup> Cf. *Utah Copper Company v. N. L. R. B.*, 139 F. (2d) 788 (C. C. A. 10), enforcing *Matter of Utah Copper Company, a Corporation*, 47 N. L. R. B. 757. Bosses were there found to be supervisory employees.

(3) The employees of the boiler shop, the tin shop, and the rigger department, including part-time employees, but excluding foremen, subforemen, shift bosses, bosses, foremen's clerks, timekeepers, 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, to determine whether they desire to be represented by the Boilermakers or by the Smelter Workers, for the purposes of collective bargaining, or by neither;

(4) The employees of the machine shop, blacksmith shop, pipe shop, and repair machinist department, and mechanical repairmen and repair helpers, including part-time employees, garage machinists, and foundry machinists, but excluding foremen, subforemen, shift bosses, bosses, carpenter repairmen, foremen's clerks, timekeepers, 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, to determine whether they desire to be represented by the I. A. M. or by the Smelter Workers, for the purposes of collective bargaining, or by neither; and

(5) The remaining production and maintenance employees, including part-time employees, gardeners, and office janitors, but excluding foremen, subforemen, shift bosses, bosses, guards, watchmen, office employees, clerical employees, technical employees, foremen's clerks, timekeepers, material clerks, and employees of the ore delivery back shop department, ore delivery engine house department, and ore delivery car shop department, 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, to determine whether they desire to be represented by the Metal Trades Council or by the Smelter Workers, for the purposes of collective bargaining, or by neither.

As stated above, there will be no final determination of the appropriate unit or units pending the results of the election.

We shall direct that the employees of the Company eligible to vote in the elections shall be those who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to such limitations and additions as are set forth in the Direction.

#### DIRECTION OF ELECTIONS

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 Utah Copper Company, and Kennecott Copper Corporation, Salt Lake City, Utah, elections 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 Twentieth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 10, of said Rules and Regulations, among all employees of the Company's Arthur and Magna mills in each of the groups described below who were employed during the pay-roll period immediately preceding the date of this Direction, including any such employees who did not work during that 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:

(1) The employees of the electrical department and of the central station, including part-time employees, but excluding foremen, subforemen, shift bosses, bosses, foremen's clerks, timekeepers, 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, to determine whether they desire to be represented by Local Union No. 1081, International Brotherhood of Electrical Workers, A. F. of L., or by International Union of Mine, Mill and Smelter Workers, Local Union No. 392, C. I. O., for the purposes of collective bargaining, or by neither;

(2) The truck drivers of the yards department, warehousemen, canal patrolmen, and ambulance drivers, including part-time employees, but excluding foremen, subforemen, shift bosses, bosses, foremen's clerks, material clerks, timekeepers, 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, to determine whether they desire to be represented by Local 222 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, A. F. of L., or by International Union of Mine, Mill and Smelter Workers, Local Union No. 392, C. I. O., for the purposes of collective bargaining, or by neither;

(3) The employees of the boiler shop, the tin shop, and the rigger department, including part-time employees, but excluding foremen, subforemen, shift bosses, bosses, foremen's clerks, timekeepers, 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, to determine whether they desire

to be represented by Local 605, International Brotherhood of Boiler Makers, Iron Ship Builders, Welders, and Helpers of America, A. F. of L., or by International Union of Mine, Mill and Smelter Workers, local Union No. 392, C. I. O., for the purposes of collective bargaining, or by neither;

(4) The employees of the machine shop, blacksmith shop, pipe shop, and repair machinist department, and mechanical repairmen and repair helpers, including part-time employees, garage machinists, and foundry machinists, but excluding foremen, subforemen, shift bosses, bosses, carpenter repairmen, foremen's clerks, timekeepers, 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, to determine whether they desire to be represented by Lodge No. 1261, International Association of Machinists, A. F. of L., or by International Union of Mine, Mill and Smelter Workers, Local Union No. 392, C. I. O., for the purposes of collective bargaining, or by neither; and

(5) The remaining production and maintenance employees, including part-time employees, gardeners, and office janitors, but excluding foremen, subforemen, shift bosses, bosses, guards, watchmen, office employees, clerical employees, technical employees, foremen's clerks, timekeepers, material clerks, and employees of the ore delivery back shop department, ore delivery engine house department, and ore delivery car shop department, 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, to determine whether they desire to be represented by Utah Metal Trades Council, A. F. of L., or by International Union of Mine, Mill and Smelter Workers, Local Union No. 392, C. I. O., for the purposes of collective bargaining, or by neither.