

In the Matter of BETHLEHEM STEEL COMPANY, SHIPBUILDING DIVISION,  
(HOBOKEN YARD) and MARINE DRAFTSMEN ASSOCIATION AT BETHLE-  
HEM STEEL COMPANY, SHIPBUILDING DIVISION (HOBOKEN YARD)  
AFFILIATED WITH NATIONAL COUNCIL OF MARINE DRAFTSMEN

*Case No. 2-R-4453.—Decided February 16, 1944*

*Mr. E. E. Kirwan*, of New York City, and *Mr. E. J. Ulmer*, of  
Hoboken, N. J., for the Company.

*Boudin, Cohn & Glickstein*, by *Messrs. Sidney Elliott Cohn* and  
*Anthony Zeller*, of New York City, and *Mr. Albert K. Howard*, of  
Forest Hills, N. Y., for the Union.

*Mr. William Strong*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Marine Draftsmen Association at Bethlehem Steel Company, Shipbuilding Division (Hoboken Yard), affiliated with National Council of Marine Draftsmen, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Bethlehem Steel Company, Shipbuilding Division (Hoboken Yard), Hoboken, New Jersey,<sup>1</sup> herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before David K. Werther, Trial Examiner. Said hearing was held at Jersey City, New Jersey, on January 20, 1944. The company and the Union 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.

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<sup>1</sup> At the hearing the names of the Company and the Union were amended wherever they appeared, to conform to the correct names used herein.

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

## FINDINGS OF FACT

### I. THE BUSINESS OF THE COMPANY

The Company, a Pennsylvania corporation, operates a shipyard at Hoboken, New Jersey, where it is engaged in the repair, alteration, and conversion of ships. During 1942, more than 90 percent of the raw materials used at the shipyard, totally valued at more than \$1,000,000, was brought into New Jersey from sources outside that State, and more than 90 percent of the work performed, totally valued at more than \$1,000,000, was on ships destined for use in interstate and foreign commerce, or for the United States Government.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

### II. THE ORGANIZATION INVOLVED

Marine Draftsmen Association at Bethlehem Steel Company, Shipbuilding Division (Hoboken Yard), is a labor organization, affiliated with National Council of Marine Draftsmen, admitting to membership employees of the Company.

### III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of the Company's employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</sup>

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 substantial agreement with a stipulation of the parties, that all draftsmen employed by the Company at the Hoboken Yard, excluding assistant chief draftsmen and those holding higher supervisory positions, and any other supervisory employees with authority

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<sup>2</sup> The Regional Director reported that the Union submitted a petition which bore 19 apparently genuine original signatures; that the names of all persons appearing on the petition were listed on the Company's pay roll of December 31, 1943, which contained the names of 22 employees in the alleged appropriate unit.

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.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by 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.<sup>3</sup>

#### 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 Bethlehem Steel Company, Shipbuilding Division (Hoboken Yard), Hoboken, New Jersey, 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 Second 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 those employees 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 Marine Draftsmen Association, affiliated by the National Council of Marine Draftsmen, for the purposes of collective bargaining.

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<sup>3</sup> The Union desires to appear on the ballot as "Marine Draftsmen Association, affiliated with the National Council of Marine Draftsmen." The request is hereby granted.