

In the Matter of ST. LOUIS SHIPBUILDING & STEEL COMPANY and UNITED BROTHERHOOD OF WELDORS, CUTTERS & HELPERS OF AMERICA, LOCAL 15

Case No. 14-R-895.—Decided February 19, 1944

Messrs. Charles H. Spoehrer and Edward F. Neff, of St. Louis, Mo., for the Company.

Mr. Thomas M. Conway, of St. Louis, Mo., for the United.

Mr. Val Ditch, of St. Louis, Mo., for the AFL.

Mr. William Strong, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Brotherhood of Weldors, Cutters & Helpers of America, Local 15, herein called the United, alleging that a question affecting commerce had arisen concerning the representation of employees of St. Louis Shipbuilding & Steel Company, St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before James C. Batten, Trial Examiner. Said hearing was held at St. Louis, Missouri, on February 8, 1944. The Company, the United, and the American Federation of Labor, herein called the AFL,¹ 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

St. Louis Shipbuilding & Steel Company, a Missouri corporation, maintains an office and two plants in St. Louis, Missouri, where it is

¹ The AFL did not intervene formally in this proceeding. It merely filed an appearance and participated in the hearing.

engaged in the construction and repairs of boats, barges, and water craft. During 1943, of the raw materials and supplies used by the Company, totally valued in excess of \$1,000,000, about 80 percent was shipped to its plants from outside the State of Missouri, while all of the Company's finished products, valued at more than \$2,000,000, were sent to points outside that State.

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

II. THE ORGANIZATION INVOLVED

United Brotherhood of Weldors, Cutters & Helpers of America, Local 15, unaffiliated, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the United as the exclusive bargaining representative of the Company's employees until the United 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 United represents a substantial number of employees in the unit hereinafter found appropriate.²

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 all the parties, that all welders, cutters, and welder helpers employed by the Company at its Arlee Street and Davis Street yards, but excluding office and clerical employees, guards, watchmen, and all other employees of the Company, foremen, and all other supervisory employees with authority 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 em-

² The Field Examiner reported that the United submitted 164 membership application cards and that the number of employees in the unit sought by petitioner is 375. The AFL submitted no evidence of its representation of employees here.

ployees 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.

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 St. Louis Shipbuilding & Steel Company, St. Louis, Missouri, 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 Fourteenth 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 United Brotherhood of Weldors, Cutters & Helpers of America, Local 15, for the purpose of collective bargaining.