

In the Matter of GOSLIN-BIRMINGHAM MANUFACTURING COMPANY, INC.  
and UNITED STEELWORKERS OF AMERICA, CIO

Case No. 10-R-1088.—Decided March 8, 1944

*Mr. Jelks H. Cabaniss*, of Birmingham, Ala., for the Company.  
*Messrs. R. E. Farr* and *Dan Huston*, both of Birmingham, Ala., for the Steelworkers.

*Mr. J. C. McGlon*, of Birmingham, Ala., for the Machinists.  
*Messrs. Shelley Walden* and *Draper Doyal*, both of Cincinnati, Ohio, for the Molders.

*Mr. J. A. Lipscombe*, of Bessemer, Ala., for the Pattern Makers.  
*Mr. David V. Easton*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, CIO, herein called the Steelworkers, alleging that a question affecting commerce had arisen concerning the representation of employees of Goslin-Birmingham Manufacturing Company, Inc., Birmingham, Alabama, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Dan M. Byrd, Jr., Trial Examiner. Said hearing was held at Birmingham, Alabama, on February 4, 1944. The Company, the Steelworkers, and International Association of Machinists, herein called the Machinists, Pattern Makers' League of North America, herein called the Pattern Makers, and Local 255 International Molders and Foundry Workers Union of North America, affiliated with the American Federation of Labor, herein called the Molders, appeared,<sup>1</sup> participated, and were afforded full opportunity to be heard, to examine

<sup>1</sup> Although duly apprised of the instant proceeding, International Brotherhood of Boilermakers, Iron Shipbuilders & Helpers of America, International Association of Bridge, Structural & Ornamental Iron Workers, and International Brotherhood of Electric Workers made no appearance at the hearing herein, nor evinced any interest in the representation of the employees of the Company.

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

Goslin-Birmingham Manufacturing Company, Inc., an Alabama corporation, is customarily engaged as a jobbing foundry, specializing in heavy industrial castings and specialty machinery for chemical, sugar, and allied industries. In addition, it also manufactures at the present time, specialty machinery, heavy castings, and shells for the United States Army. For these purposes, it operates two plants in the city of Birmingham, known as the Goslin and Birmingham plants, respectively, which are separated by a distance of approximately  $\frac{1}{4}$  of a mile. The Company's annual purchases of materials used in its manufacturing processes exceed \$500,000 in value, part of which is received from points outside the State of Alabama. The annual sales of the Company exceed \$500,000 in value, 95 percent of which is shipped to points located outside the State of Alabama. We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATIONS INVOLVED

United Steelworkers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

International Association of Machinists, Local 255; International Molders and Foundry Workers Union of North America; and Pattern Makers' League of North America are labor organizations affiliated with the American Federation of Labor, admitting to membership employees of the Company.

#### III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Steelworkers as the exclusive bargaining representative of certain of its employees until its claims and those of labor organizations affiliated with the American Federal of Labor have been adjudicated by the Board.

Statements of the Field Director and of the Trial Examiner introduced into evidence at the hearing, indicate that the Steelworkers, the Machinists, the Pattern Makers, and the Molders each represent a

substantial number of employees in the units claimed as appropriate by each.<sup>2</sup>

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 Act.

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

The Steelworkers seeks a unit composed of all production and maintenance employees of the Company in its Birmingham and Goslin plants, excluding foremen, supervisors, watchmen, guards, salaried employees, and clerical employees. The Company, while agreeing generally with the foregoing unit, contends that the employees of its shell shop, which is part of the Goslin plant, should constitute a unit separate from the remaining employees, since the work performed in the shell shop is of a temporary nature. The Machinists seeks a unit composed, generally, of assembly and machine-shop employees in the Birmingham plant; the Molders seeks a unit composed, generally, of foundry employees; and the Pattern Makers seeks a unit composed of all pattern makers and pattern makers' apprentices. All parties agree that watchmen, guards, supervisory, and clerical employees should be excluded from any of the proposed units.

The Goslin plant is comprised of a pattern shop, foundry, and the "old machine shop"; the "old machine shop" is presently known as the shell plant, having been converted, because of the national emergency, to the production of shells. The other plant is known as the Birmingham plant and contains therein a plate shop, a machine shop, an assembly floor, and storage space. The record indicates that the shell plant is a functionally coherent entity. The forgings used therein are purchased from outside sources, and the only connection between the operations conducted therein and the remainder of the Company's

<sup>2</sup> The reports of the Field Examiner and the Trial Examiner, utilizing only those designations bearing apparently genuine and original signatures, and containing the names of persons appearing upon the Company's pay roll for the period ending December 11, 1943, may be summarized as follows:

	Number employed in respective units	Designations for			
		U. S. A.	I A M	Pattern Makers	Molders
Number by respective units					
Steelworkers' Unit.....	511	*162 (182)	0	0	0
Machinists' Unit.....	88	1	28	0	0
Molders' Unit.....	106	*15 (19)	0	0	14
Pattern Makers' Unit.....	8	0	0	5	0

\* The Steelworkers submitted 46 additional designations at the hearing, of which 20 were signed by persons apparently working in the shell shop, and 4 were signed by persons apparently working in the foundry.

business is that the shell plant uses certain metal shell holders produced by the Company's foundry, these shell holders amounting to much less than 1 percent of the total production of the foundry. The record further reveals, however, a close functional relationship between the pattern shop and foundry at the Goslin plant and the operations of the Birmingham plant; the patterns produced by the pattern shop are used in the foundry for the purpose of making castings; the castings produced in the foundry are sent to the machine shop in the Birmingham plant for finishing; and after being machined the castings are sent to the assembly floor for assembling. On the other hand, there is little transfer of employees between either the Birmingham or the Goslin plants, or among the various departments of the Company as a whole.

All operations of the Company are centralized under a chief production supervisor, who has jurisdiction over both plants. Next below him in the supervisory hierarchy are superintendents in the shell plant, the foundry plant,<sup>3</sup> and the Birmingham plant. Assisting the three superintendents are foremen located in the shell plant, foundry, pattern shop, plate shop, machine shop, and the assembly floor. Each department of the Company has a separate pay roll. In addition, a divergence exists with respect to working hours of the various departments, the shell plant employees working an 8-hour day, 6 days a week on two shifts; the foundry employees also working an 8-hour day, but with a skeleton second shift; the pattern shop working a one-shift, 8-hour day; and the Birmingham plant working a two-shift, 10-hour day.

At one time the Company bargained with the Steelworkers on behalf of all employees in the Birmingham plant only. However, the Company has not conducted bargaining relations on behalf of any of its employees for approximately 3 or 4 years.

As noted hereinabove, each of the labor organizations herein, affiliated with the American Federation of Labor, seeks units composed of employees traditionally represented by it, whereas the Steelworkers seeks an industrial unit. In view of the physical and functional set-up of the Company's operations, we are of the opinion that the groups sought by the Machinists, the Pattern Makers, and the Molders may properly function either as separate units or as part of an industrial unit. Accordingly, our determination of the unit issue generally with respect to the Company's employees will depend, in part, upon the desires of the employees themselves, these desires being best expressed at the elections hereinafter directed, at which time they will have an opportunity to vote for a craft organization, or for the Steel-

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<sup>3</sup> The superintendent of the foundry plant is also in charge of the pattern shop, which is located in a separate building from the foundry.

workers, which favors an industrial form of unit, or for neither. We shall consequently make no final determination of the unit or units at this time, but shall defer such determinations pending the outcome of the elections hereinafter directed

We shall direct, therefore, that separate elections by secret ballot be held among the employees of the Company within each of the groups listed below, who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction. There shall be excluded from each of such voting groups, in addition to others specially mentioned therein, all watchmen, guards, clerical employees, superintendents, 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. The respective voting groups shall be as follows:

1. All pattern makers and pattern makers' apprentices employed at the Company's pattern shop, excluding all other employees working therein, to determine whether they desire to be represented by the Pattern Makers, or by the Steelworkers, for the purposes of collective bargaining, or by neither;

2. All employees in the foundry department of the Company to determine whether they desire to be represented by the Molders, or the Steelworkers, for the purposes of collective bargaining, or by neither;

3. All employees in the machine shop and on the assembly floor of the Company to determine whether they desire to be represented by the Machinists, or the Steelworkers, for the purposes of collective bargaining, or by neither;

4. All remaining production and maintenance employees of the Company, excluding those employees in groups 1, 2, and 3, above, to determine whether or not they desire to be represented by the Steelworkers.

### 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 Goslin-Birmingham Manufacturing Company, Inc., Birmingham, Alabama, separate 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 Tenth Region, acting in this matter as agent for the National Labor Rela-

tions Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the following groups of employees of the Company 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, as well as watchmen, guards, clerical employees, superintendents, 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:

1. All pattern makers and pattern makers' apprentices engaged in the pattern shop, excluding all other employees engaged therein, to determine whether they desire to be represented by Pattern Makers' League of North America, affiliated with the American Federation of Labor, or by United Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither;

2. All employees in the foundry department to determine whether they desire to be represented by Local 255, International Molders and Foundry Workers Union of North America, affiliated with the American Federation of Labor, or by United Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither;

3. All employees engaged in the machine shop and on the assembly floor to determine whether they desire to be represented by International Association of Machinists, affiliated with the American Federation of Labor, or by United Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither;

4. All remaining production and maintenance employees, excluding those in groups 1, 2, and 3, above, to determine whether or not they desire to be represented by United Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

Mr. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Elections.