In the Matter of KAISER COMPANY, INC. (IRON AND STEEL DIVISION) *and* GENERAL TRUCK DRIVERS UNION, LOCAL 467, AFL

Case No. 21–R–2225.—Decided March 13, 1944

Messrs. Thomas T. Inch and *Walter Farrell*, both of Fontana, Calif., for the Company.

Mr. John C. Stevenson, of Los Angeles, Calif., for the Truck Drivers.

Mr. W. P. Brunton, of Fontana, Calif., for the CIO.

Mr. Glenn L. Moller, of counsel to the Board.

DECISION
AND
ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by General Truck Drivers Union, Local 467, AFL, herein called the Truck Drivers, alleging that a question affecting commerce had arisen concerning the representation of employees of Kaiser Company, Inc. (Iron and Steel Division), Fontana, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George H. O'Brien, Trial Examiner. Said hearing was held at Los Angeles, California, on January 20, 1944. The Company, the Truck Drivers, and United Steelworkers of America, CIO, herein called the CIO, 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 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

Kaiser Company, Inc., is a Nevada corporation with its principal office in Oakland, California. The Company's Iron and Steel Division operates a plant near Fontana, California, where it is engaged in

the manufacture, production, and sale of pig iron, coke, and coke by-products. The Company is presently constructing at the Fontana location a completely integrated iron and steel plant which is now partially in production.

During the year 1943, in addition to materials and equipment purchased and shipped to the Fontana plant for construction, the Company purchased raw materials valued in excess of $1,000,000, 50 percent of which was shipped to the Fontana plant from points outside the State of California. During the same period the Company produced and shipped from the Fontana plant pig iron and steel valued in excess of $1,000,000, 20 percent of which was shipped from the aforesaid plant to points outside the State of California.

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

II. THE ORGANIZATIONS INVOLVED

General Truck Drivers Union, Local 467, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

United Steelworkers of America, District 38, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED QUESTION CONCERNING REPRESENTATION IN AN APPROPRIATE UNIT

The Truck Drivers contends that all persons employed as chauffeurs, in driving company cars throughout the plant, to transport company officials and guests, excluding supervisory employees, constitute an appropriate bargaining unit. The Company and the CIO contend that the employees are a part of the general production and maintenance unit recently found appropriate by the Board.[1]

Subsequent to the issuance of the Decision and Direction of Election, cited above, the Truck Drivers filed its petition in this proceeding. In our certification, in that proceeding, of United Steelworkers of America as exclusive bargaining representative of the Company's production and maintenance employees at the Fontana plant,[2] we alluded to the Truck Drivers' petition and stated:

> Subsequent to the hearing and the issuance of the Decision and Direction of Election, but before the election was held, General

[1] 53 N. L. R. B. 880.
[2] 54 N. L. R. B. 1219

Truck Drivers Union, Local 467, AFL, herein called the Truck Drivers, filed a petition with the Board in Case No. 21–R–2225, seeking an election in a unit consisting of all persons employed as chauffeurs, driving company cars throughout the plant in transporting company officials and guests. During the election, three of the approximately nine employees in this alleged appropriate unit cast ballots. Pursuant to the prior announcement, their ballots were challenged and impounded. Thereafter, on January 20, 1944, pursuant to notice issued by the Regional Director, a hearing on the Truck Drivers' petition was conducted, and the matter is presently pending before the Board. In the interest of expedition, we shall refrain, at this time, from certifying the CIO as bargaining representative of this group of employees. However, our action in this regard shall be without prejudice to a later determination, after examination of the relevant facts, that such employees should not be set apart from the production and maintenance employees.

Our conclusions are set forth in the discussion below.

The employees here involved are women chauffeurs who operate the automobiles in a car pool in the transport of company employees and officials about the plant. Although there were eight or nine of these employees when the car pool arrangement began, about November 1, 1943, there are now only five of them. They are carried on the Company's production and maintenance pay roll. Most of their passengers are timekeeepers, going to and from various parts of the plant in order to obtain pay-roll data, plant engineers studying operations or supervising repairs and alterations, and company officials. The functions of the car pool are, therefore, essential to the operation of the plant and may appropriately be considered to be part of the Company's production and maintenance activities.

The Truck Drivers urges that our recent finding that a plant-wide production and maintenance unit is appropriate is not determinative of the unit issue herein, and that its proposed unit is appropriate because the car pool did not exist at the time of the hearings in the earlier proceedings; the question of the propriety of a separate unit of these chauffeurs has not previously been considered; the chauffeurs are supervised by the individual who is in charge of most of the truck drivers in the Company's employ, all of whom are carried on the Company's construction pay roll and therefore not included in the production and maintenance unit; and all of the chauffeurs allegedly wish to be represented by the Truck Drivers. It is true that the issue of the propriety of a separate unit of these chauffeurs has not previously been before us. At the time of the prior proceeding, however, a number of chauffeurs were attached to the various departments in the plant

driving pick-up trucks and passenger cars of the Company. None of the parties to that proceeding questioned the propriety of including such employees in the unit with production and maintenance employees, and the separate unit now proposed by the Truck Drivers does not cover them. The result, so far as this proceeding is concerned, of the recent establishment of the car pool has been merely to increase the number of car drivers in the Company's employ. We find no reason to separate this increment from the car drivers previously employed. Moreover, these intraplant chauffeurs, whose functions are integrated with those of the production employees,[3] do not have craft interests which would warrant our segregating them, for the purposes of collective bargaining, from the employees in the industrial unit which we have found appropriate in this plant, and which conforms to the pattern we have frequently approved in other cases involving the steel industry.[4] Since it is apparent that the employees to whom the petition herein pertains are among the occupational groups included in the bargaining unit of production and maintenance employees previously found appropriate, we find that the unit sought by the Truck Drivers is inappropriate for the purposes of collective bargaining. Accordingly, we shall dismiss the Truck Drivers' petition.

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, filed by General Truck Drivers Union, Local 467, AFL, be, and it hereby is, dismissed.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Order.

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[3] Cf *Matter of Sutherland Paper Company*, 55 N L R. B. 38.

[4] *Matter of Tennessee Coal, Iron and Railroad Company*, 39 N. L. R. B. 626, and cases cited therein.