

IN THE MATTER OF AMERICAN STEEL FOUNDRIES *and* PRIVATE PROPERTY PROTECTORS, LOCAL 253, AFFILIATED WITH BUILDING SERVICE EMPLOYEES INTERNATIONAL UNION, AMERICAN FEDERATION OF LABOR

Case No. 14-R-894.—Decided March 31, 1944

Messrs. E. J. Walsh, L. C. Farquhar and A. F. Hansen, all of East St. Louis, Ill., for the Company.

Messrs. Fred Olds and John Coleman, both of East St. Louis, Ill., for the Union.

Miss Margaret M. Farmer, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Private Property Protectors, Local 253, affiliated with Building Service Employees International Union, American Federation of Labor, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of American Steel Foundries, East St. Louis, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harry G. Carlson, Trial Examiner. Said hearing was held at St. Louis, Missouri, on March 13, 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

American Steel Foundries is a New Jersey corporation engaged in the production of steel castings. It operates 9 plants in various

parts of the United States, only one of which, located at 2039 East Broadway, East St. Louis, Illinois, is involved in the present matter. During the year 1943 purchases of raw materials, consisting chiefly of pig iron and scrap metal for the East St. Louis plant, exceeded \$100,000, in value, approximately 55 percent of which was shipped to the East St. Louis plant from points outside of the State of Illinois. During the same period, finished products in excess of \$100,000 in value were manufactured, sold, and shipped from the East St. Louis plant to points outside the State of Illinois.

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

II. THE ORGANIZATION INVOLVED

Private Property Protectors, Local 253, affiliated with Building Service Employees International Union, American Federation of Labor, 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 Union as the exclusive bargaining representative of its militarized guards 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.¹

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

The Company and the Union stipulated at the hearing that the unit appropriate for the purposes of collective bargaining should comprise all militarized guards employed by the Company except the chief guard and the assistant chief guards.

We find that all militarized guards employed by the Company but excluding the chief guard, the assistant chief guards, and all or any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or

¹ The Trial Examiner reported that the Union submitted 19 cards all of which bore apparently genuine original signatures, that the names of 16 persons appearing on the cards were listed on the Company's pay roll of January 30, 1944, which contained the names of 29 employees in the appropriate unit; and that the cards were all dated January 1944. Testimony at the hearing indicated that as of March 13, 1944, there were 26 military guards on the Company's pay roll.

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

The Union requested at the hearing that the Company's pay roll of March 11, 1944, be used to determine eligibility to vote in the election, but it advanced no substantial reason for a departure from our normal practice.

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 immediate 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 American Steel Foundries, East St. Louis, Illinois, 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 Private Property Protectors, Local 253, affiliated with Building Service Employees International Union, American Federation of Labor, for the purposes of collective bargaining.