

In the Matter of NATIONAL LEAD COMPANY (STEEL PACKAGE DIVISION)
and INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT No. 9,
A. F. OF L.

Case No. 14-R-839.—Decided March 31, 1944

Messrs. Wallace Cooper and A. D. Sargent, of St. Louis, Missouri,
for the Company.

Mr. W. C. Riley, of St. Louis, Missouri, for the I. A. M.

Messrs. Ralph Z. Miller and Walter S. Love, of Granite City,
Illinois, for the U. S. A.

Mrs. Platonía P. Kaldes, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, District No. 9, A. F. of L., herein called the I. A. M., alleging that a question affecting commerce had arisen concerning the representation of employees of National Lead Company (Steel Package Division), Granite City, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Keith W. Blinn, Trial Examiner. Said hearing was held at St. Louis, Missouri, on February 22, 1944. During the course of the hearing, Local Union No. 1989, United Steelworkers of America, C. I. O., herein called the U. S. A., moved to intervene in the proceedings. The Trial Examiner granted the motion. The Company, the I. A. M. and the U. S. A. 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. During the course of the hearing, the Company and the U. S. A. moved to dismiss the proceedings because, *inter alia*, the unit sought by the I. A. M. was inappropriate. The motion was referred to the Board. For the reasons hereinafter set forth, the motion is granted. 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

The National Lead Company is a New Jersey corporation and maintains plants, offices, and warehouses throughout the United States. This proceeding involves only the Company's Steel Package Division located at Granite City, Illinois, which is engaged in the manufacture of steel containers for the use of the United States Army Air Forces and for the Company's use in the packaging of paste and pigments. During the year 1943, the Company purchased raw materials, the principal one of which was steel, valued in excess of \$100,000, of which more than 95 percent was shipped from points out of the State of Illinois to the Company's Steel Package Division at Granite City, Illinois. During the same period, the Company manufactured finished products valued in excess of \$100,000, of which in excess of 95 percent was shipped from its Steel Package Division at Granite City, Illinois, to points outside the State of Illinois.

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

II. THE ORGANIZATIONS INVOLVED

International Association of Machinists, District No. 9, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

Local Union No. 1989, United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The I. A. M. seeks a unit of machinists, machinists' helpers and a handyman, herein referred to collectively as the machinists, employed in the machine shop of the Company's Steel Package Division. With the exception of the handyman, the employees the I. A. M. seeks to represent comprise a separate craft. All form a clearly identifiable, homogeneous group. Although the Company and the U. S. A. do not deny the facts respecting the homogeneity of this group of employees, they contend, however, that because of the collective bargaining history in the Company's Steel Package Division, the only appropriate

unit should be one consisting of all production and maintenance employees, including the machinists.

The history of organization and collective bargaining in the Company's Steel Package Division, so far as the record discloses, dates from 1937. On June 10, 1937, the U. S. A. was recognized as the exclusive bargaining representative of all the production and maintenance employees, the machinists included. Since that date, the Company and the U. S. A. have been in continuous contractual relations. The U. S. A. has negotiated with the Company respecting hours, wages, and conditions of work for all production and maintenance employees and has established a grievance procedure for the settlement of employee problems. The machinists have participated in all the benefits of the U. S. A.'s collective bargaining contracts with the Company, including wage increases. Although the machinists have not presented grievances through U. S. A. representatives, the evidence establishes that the U. S. A.'s grievance procedure was at all times available to the machinists. There is no evidence that the machinists have bargained collectively with the Company as a group. While on two separate occasions, one as early as December 20, 1938, the Company refused the I. A. M.'s requests to bargain with it for the stated reason, *inter alia*, that the Company believed the machinists did not constitute an appropriate unit,¹ the I. A. M. did not petition the Board to investigate and certify representatives for the Company's Steel Package Division employees until after a third request for bargaining on November 11, 1943, was refused by the Company.

We find no reason on the basis of the facts and circumstances outlined above, to set the machinists apart from the production and maintenance employees in the Company's Steel Package Division. Although we agree that the machinists form a clearly identifiable homogeneous group, we do not consider this fact to be of sufficient weight to justify the disturbance of a collective bargaining unit which appears to have achieved and maintained harmony between the Company and the employees. Clearly, the U. S. A. and the Company have considered the machinists to be included in the unit of production and maintenance workers and the I. A. M. until recently has not protested this inclusion.² We find on the basis of prior bargaining history that the unit requested by the I. A. M. is not appropriate for the purposes of collective bargaining.³

¹ Another request was made on March 11, 1942

² We note from the evidence that the entire group of production employees at the Company's Steel Package Division would probably be accepted for membership in the I. A. M.

³ See *Matter of Pitcairn Company*, 52 N. L. R. B. 404, *Matter of Procter & Gamble Mfg. Co.*, 52 N. L. R. B. 661.

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as we have held in Section III, above, the bargaining unit sought to be established by the petition is inappropriate for the purposes of collective bargaining, we find that no question affecting commerce has arisen concerning the representation of the Company's employees in an appropriate unit.

ORDER

Upon the basis of the above findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of National Lead Company (Steel Package Division), Granite City, Illinois, filed by International Association of Machinists, District No. 9, A. F. of L., be, and it hereby is, dismissed.