

In the Matter of SMITH STEEL DIVISION, GREDE FOUNDRIES, INC. and
UNITED STEELWORKERS OF AMERICA, C. I. O.

Case No. 13-R-2306.—Decided April 5, 1944

Wood, Warner, Tyrrell & Bruce, by *Mr. Richard H. Tyrrell*, of Milwaukee, Wis., for the Company.

Messrs. W. O. Sonnemann and Thomas Carey, both of Milwaukee, Wis., for the Union.

Mr. David V. Easton, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF CASE

Upon a petition duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of the Smith Steel Division of Grede Foundries, Inc., Milwaukee, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stephen M. Reynolds, Trial Examiner. Said hearing was held at Milwaukee, Wisconsin, on March 17, 1944. The Company and the Union 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

Smith Steel Division is a plant owned and operated by Grede Foundries, Inc., a Wisconsin corporation. The Company is engaged at this plant, which is located at Milwaukee, Wisconsin, in the manufacture of various grades of steel castings. During the calendar year 1943, the Company purchased raw materials for the Smith Steel

Division valued in excess of \$500,000, approximately 25 percent of which was obtained from points located outside the State of Wisconsin. During the same period, the Company's sales of products manufactured in its Smith Steel Division were in excess of \$1,000,000 in value, about 40 percent of which was shipped to points outside the State of Wisconsin.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

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

III. THE QUESTION CONCERNING REPRESENTATION

On or about December 1, 1942, the Company obtained control of the Smith Steel Division, a plant previously owned by Smith Steel Foundry Company. Shortly thereafter the Union requested the Company to assume the obligations of a collective bargaining agreement made between Local 1300, Steel Workers Organizing Committee¹ and the Smith Steel Foundry Company. The Company refused to do so, contending that it would not deal with the Union as the representative of its employees until the Union has been certified by the Board.

A statement of the Board's Field Examiner, introduced into evidence at the hearing, indicates that the Union 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

In general agreement with a stipulation of the parties made at the hearing, we find that all production and maintenance employees of the South Steel Division of the Company, excluding watchmen and janitors, timekeepers, time-study employees, shop clerical employees, stock keepers, expeditors, office employees, technical engineers, salesmen, foremen, assistant foremen, supervisors, melters,³ supervisory inspec-

¹ The Steel Workers Organizing Committee officially changed its name to that of the Union

² The Field Examiner reported that the Union submitted 370 designations, and that there were approximately 285 employees in the unit hereinafter found appropriate

³ Evidence was adduced which disclosed that the three employees in this classification possess authority to hire, discharge, and discipline employees, and to make recommendations with respect to such matters.

tors, head shipping clerk, 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 employees 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.⁴

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 Smith Steel Division, Grede Foundries, Inc., Milwaukee, Wisconsin, 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 Thirteenth 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 Steelworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.

⁴ The Company contended at the hearing that the Union should be designated on the ballot in any election which the Board might direct as "Local Union 1300, affiliated with the United Steelworkers of America, C. I. O.," and that, if it so wished, it could also appear in another box upon the ballot under the name of the International. The Union insisted that it be designated by the name of the International. No substantial reason appearing to support the Company's contention, we shall designate the Union solely by the name of the International, the petitioner herein.