

In the Matter of JONES & LAUGHLIN STEEL CORPORATION, GILMORE WIRE ROPE DIVISION, MUNCY WORKS and UNITED STEELWORKERS OF AMERICA, DISTRICT NO. 10, ON BEHALF OF THE MEMBERS OF LOCAL UNION No. 5181¹

Case No. 4-R-1353.—Decided April 28, 1944

Mr. James C. Beech, of Pittsburgh, Pa., for the Company.

Mr. Roy Constantine, of Sunbury, Pa., *Messrs. Blair Furman and Howard Green*, of Williamsport, Pa., *Mr. John Pidgeon*, of Muncy, Pa., and *Mr. Clay Myers*, of Hughesville, Pa., for the Union.

Mr. William Strong, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, District No. 10, on behalf of the members of Local Union No. 5181, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Jones & Laughlin Steel Corporation, Gilmore Wire Rope Division, Muncy Works, Muncy, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Geoffrey J. Cunniff, Trial Examiner. Said hearing was held at Williamsport, Pennsylvania, on March 29, 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.

¹ The names of the parties were corrected at the hearing by stipulation.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company is engaged in the manufacture and sale of iron and steel products. At its Gilmore Wire Rope Division, Muncy Works, which is the plant here involved, the Company is engaged in the manufacture, sale, and distribution of wire rope. During 1943, raw materials valued in excess of \$200,000 were purchased for the plant, 40 percent of which was shipped to the plant from points outside the Commonwealth of Pennsylvania. During the same period, the Company's finished products exceeded \$200,000 in value, approximately 80 percent of which was shipped to points beyond the Commonwealth of Pennsylvania.

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

II. THE ORGANIZATION INVOLVED

United Steelworkers of America, District No. 10, Local Union No. 5181, affiliated with the Congress of Industrial Organizations, 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 certain of the Company's employees 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.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

We find, in substantial agreement with a stipulation of the parties, that all production and maintenance employees at the Gilmore Wire Rope Division, Muncy Works, excluding salaried employees, guards

² The Field Examiner reported that the Union submitted 132 application for membership cards, 121 of which bore the names of persons appearing on the Company's pay roll of February 29, 1944, which contained the names of 239 employees in the appropriate unit.

and watchmen, clerical employees, and all 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.

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 Jones & Laughlin Steel Corporation, Gilmore Wire Rope Division, Muncy Works, Muncy, Pennsylvania, 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 Fourth 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 any 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, District No. 10, Local Union No. 5181, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.