

In the Matter of INLAND STEEL CONTAINER COMPANY and UNITED
STEELWORKERS OF AMERICA, C. I. O.

Case No. 13-R-2278.—Decided April 29, 1944

Pope & Ballard, by *Mr. Charles R. Kaufman*, of Chicago, Ill., for the Company.

Messrs. George A. Patterson and *John M. Holt*, both of Chicago, Ill., for the Union.

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

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE 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 Inland Steel Container Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Francis X. Helgesen, Trial Examiner. Said hearing was held at Chicago, Illinois, on March 10, 13, and 14, 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

Inland Steel Container Company, a wholly owned subsidiary of the Inland Steel Company, is a corporation organized under the laws of the State of Illinois. It operates four plants located in the States of California, Illinois, Louisiana, and New Jersey. We are concerned

herein solely with the operations of the Company at its Chicago, Illinois, plant, where it is engaged in the manufacture and distribution of steel containers. During the year 1943, the Company purchased raw materials for use at its Chicago plant, consisting principally of steel sheet, metal parts, paint, lacquers, and miscellaneous parts and supplies, having a value of more than \$6,000,000, 95 percent of which was purchased from sources located outside the State of Illinois. During the same period, the sales of the Chicago plant exceeded \$9,000,000 in value, of which approximately 90 percent was made to customers located outside the State of Illinois.

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

III. THE QUESTION CONCERNING REPRESENTATION

On January 20, 1944, the Union orally requested recognition of the Company as the exclusive bargaining agent of certain employees engaged in its general offices. The Company refused to grant such recognition unless and until the Union was certified by the Board.

Statements of a Board Field Examiner and the Trial Examiner, introduced into evidence at the hearing, indicate 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 Union seeks a unit comprised generally of all office, salaried, and clerical workers of the Company at its Chicago plant, including those listed on Appendix A, but excluding executives, supervisors, confidential employees, the nurse, and those employees listed on Appendix B. The Company, while not opposing the establishment of such a unit, contends that certain employees and classifications of

¹ The Field Examiner reported that the Union submitted 80 application cards, and that the proposed unit contained 150 employees. The Trial Examiner reported that the Union submitted 6 additional designations at the hearing; that the unit proposed by the Union contained 110 employees; and that the unit suggested by the Company consisted of 86 employees.

employees, whom the Union desires to include, fall within certain of the exclusions hereinabove set forth. The following classifications discussed *seriatim*, are the subject of dispute between the parties, the Company contending that the employees therein should be excluded from the unit, whereas the Union contends that they should be included.

Assistant purchasing agent: This employee, who ranks next to the purchasing agent in the purchasing department, is under a duty and has the authority to make recommendations to his superior which may affect the status of employees in the department. Under these circumstances, we find that he is a supervisor within the meaning of our customary definition, and shall exclude him from the unit.

Secretary to the assistant factories manager: The assistant factories manager occupies a position in the Company superior to that of the superintendent of the Chicago plant. In addition to his immediate supervision over all maintenance employees in the plants of the Company, the assistant factories manager, in the absence of the factories manager, occupies a similar position with respect to all employees of the Company, regardless of classification. Under these circumstances, his secretary, who performs the duties usual to this classification, and who has access to his files and correspondence occasionally containing information concerning the Company's industrial relations, occupies a position which, in our opinion, warrants her exclusion from the unit as a confidential employee. Accordingly, we shall exclude her.²

Secretary to the purchasing agent: The purchasing agent heads the purchasing department of the Company, which is comprised of a group of buyers, expeditors, and office and clerical employees. As hereinabove noted, the Company purchases raw materials for use at its Chicago plant valued in excess of \$6,000,000 per year. We have already noted that the assistant purchasing agent possesses the authority and the duty to make recommendations to the purchasing agent affecting the status of employees in the purchasing department. It is reasonable to infer, therefore, that the purchasing agent is directly concerned with matters pertaining to employer-employee relations in his department. We are of the opinion that the relationship between the purchasing agent and his private secretary is sufficiently close to warrant the exclusion of the latter from a bargaining unit which includes other employees of the department. We shall, therefore, exclude her.³

Buyers: These two employees purchase materials for the Company's use upon the presentation of properly authenticated requisitions.

² *Matter of General Cable Corporation*, 55 N. L. R. B. 1143.

³ *Matter of General Cable Corporation*, *supra*.

They interview salesmen, and the record indicates that they possess some discretion in the placing of orders. They receive salaries higher than those paid clerical employees, and there is some evidence that they issue instructions to the expeditors and clerical workers attached to the purchasing department. Since they are authorized to make financial commitments on behalf of the Company, we are of the opinion that the duties of these employees are sufficiently managerial in nature to warrant their exclusion. We shall, therefore, exclude them.

Engineers and chemists: The Company does not employ anyone at the present time coming within either of these categories, other than the assistant to the chief chemist, whom both parties agree to exclude from the unit. The record indicates that the Company may, in the future, employ persons in these classifications. The Company's factories manager testified that such persons will be required to be graduate professional men, to whom supervisory functions may be delegated. However, we are of the opinion that any controversy with regard to employees in these classifications is in anticipation of the future and cannot be decided by us on the present record. We shall, therefore, make no finding with respect to them.

Administrative employees: A similar dispute exists between the parties with respect to employees who may be employed in this classification in the future, the Company conceding that at the date of the hearing in this proceeding it employed no one therein. As in the case of engineers and chemists who may be employed by the Company in the future, we are of the opinion that, at present, the question of the inclusion or exclusion of such employees is academic.

Scales clerks supervisor: This employee supervises the work of approximately nine persons classified as scales clerks. He possesses the authority to make effective recommendations affecting the status of scales clerks. We are of the opinion that he occupies a supervisory position, and we shall exclude him from the unit.

Senior and junior time-study engineers: The primary duty of these employees consists of making analyses of the various functional operations of the Company from the standpoint of human efficiency. The senior time-study engineer has authority to act on his own initiative, and occasionally to make decisions with respect to functional operations. He also acts as an expert for the Company in discussions of grievances between the Company and the Union. The difference between the senior time-study engineer and the junior time-study engineer is principally one of degree; the latter has no authority to make decisions, but is limited to the making of recommendations when submitting his analyses. However, we are of the opinion that the general duties of both types of employees are substantially managerial in char-

acter, and under these circumstances we shall exclude senior time-study engineers and junior time-study engineers from the unit.

Timekeepers: These employees perform the duties usual to this classification. They are not concerned with grievances arising from the performance of their duties, nor do they have access to information affecting the labor relations policies of the Company. Under these circumstances, we shall include them within the unit.

In accordance with the foregoing, we find that all office, salaried, and clerical employees of the Company at its Chicago plant, including timekeepers and employees engaged in classifications listed on Appendix A, but excluding employees engaged in classifications listed on Appendix B, secretaries to the assistant factories manager and purchasing agent, assistant purchasing agent, scales clerks supervisor, senior and junior time-study engineers, buyers, the nurse, confidential employees, and 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 Inland Steel Container Company, Chicago, 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 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

⁴The Union requested that it be designated upon the ballot as "United Steelworkers of America, C. I. O." This request is hereby granted.

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, C. I. O., for the purposes of collective bargaining.

APPENDIX A

Draftsmen	Clerks, Order Checking
Laboratory Assistants	Clerks, Order Writing
Secretary to the Traffic Manager	Clerks, Pay Roll
Secretary to the Manager of Pure Food Department	Clerks, Production
Chief Clerk of Purchasing Department	Clerks, Record
Supervisor of Filing Room	Clerks, Stock, Reservation
Assistant Supervisor of Order Department	Clerks, Scale
Billers	Clerks, Statistical Records
Billing Machine Operators	Clerks, Stock Records
Bookkeepers, Manual	Clerks, Time Study
Bookkeeping Machine Operators	Comptometer Operators
Clerks, Accounting	Ditto Machine Operators
Clerks, Cost	Expeditors
Clerks, Disbursements	Key Punch Operators
Clerks, Ditto	Multigraph Operators
Clerks, Engineering Department	Schedulers
Clerks, Filing	Stenographers
Clerks, Invoice Checkers	Switchboard Operators
Clerks, Laboratory	Part-time Clericals
Clerks, Mail Desk	Supervisors below the rank of department heads, with the exception of those listed on Appendix B
Clerks, Order Breakdown	

APPENDIX B

All employees in the industrial relations and personnel department
 All department heads, and persons above this rank
 Supervisors of the tabulating, billing, and factory pay roll departments
 Assistant chief chemist
 Salary pay-roll clerks
 Secretaries to the president, vice president, comptroller, factories manager, superintendent, and credit manager