

In the Matter of GREAT LAKES STEEL CORPORATION and UNITED
STEELWORKERS OF AMERICA, C. I. O.

Case No. 7-R-1707.—Decided May 3, 1944

Mr. Prewitt Semmes, of Detroit, Mich., for the Company.

Mr. Philip M. Curran, of Pittsburgh, Pa., and *Mr. Glenn Segmon*,
of Detroit, Mich., for the Steelworkers.

Mr. William Whitsett, of counsel 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 Steelworkers, alleging that a question affecting commerce has arisen concerning the representation of plant-protection employees of Great Lakes Steel Corporation, Ecorse, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Max Rotenberg, Trial Examiner. Said hearing was held at Detroit, Michigan, on March 30 and April 6, 1944. The Company and the Steelworkers appeared and participated. All parties were afforded 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

The Company, a Delaware corporation, is a wholly owned subsidiary of National Steel Corporation, likewise a Delaware corporation. It owns and operates 3 plants in Ecorse, Michigan, and vicinity, known as the Great Lakes Steel, Michigan Steel, and Hanna Furnace, where it manufactures coke, rolled steel sheets and strips, carbon and alloy bars,

plates, enameling sheets, high tensile steel, and Stran-Steel framing. During the 3 months next preceding the date of the hearing, raw materials valued at approximately \$9,200,000 were purchased by the Company for use in its manufacturing operations; approximately 66 percent of said raw materials was purchased from sources outside the State. During the same period its finished products were valued at approximately \$27,750,000; approximately 78 percent of said products was sold and shipped to points outside the State.

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

The Company has refused to grant recognition to the Steelworkers as the exclusive bargaining representative of plant-protection employees until the Steelworkers has been certified by the Board in an appropriate unit.

The Steelworkers and the Company entered into a contract dated August 15, 1942, covering production and maintenance employees at the three plants. Because said contract provides that the bargaining unit shall not include plant-protection employees, the Company contends that the contract constitutes an agreement that the Steelworkers would not organize or seek to represent plant-protection employees, and that hence the contract is a bar to this proceeding. It further contends that the Steelworkers had orally agreed not to organize or seek to represent plant-protection employees at a certain conference between the parties at Washington, D. C. For the reasons stated in our opinions in connection with similar contractual provisions, we find that these contentions are without merit and that such contracts are not a bar to a determination of representatives.¹

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Steelworkers represents a substantial number of employees in the unit hereinafter found appropriate.²

¹ *Matter of Avery Corporation*, 50 N. L. R. B. 999; *Matter of Packard Motor Car Company*, 49 N. L. R. B. 932; *Matter of Briggs Manufacturing Company*, 49 N. L. R. B. 570; *Matter of Murray Corporation of America*, 49 N. L. R. B. 925.

² The Regional Director reported that the Steelworkers submitted 88 cards, 62 of which bore apparently genuine original signatures and 10 bore printed signatures; that the names of 72 persons appearing on the cards were listed on the Company's pay roll of March 3, 1944, which contained the names of 114 employees in the appropriate unit, and that the cards were dated as follows: October 1943, 2; December 1943, 31; January 1944, 15; February 1944, 1; March 1944, 4; undated, 19.

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 Steelworkers seeks a unit composed of all plant-protection employees of the Company at its Great Lakes Steel, Hanna Furnace, and Michigan Steel plants, excluding the chief, superintendents, lieutenants, and sergeants. The Company contends that the plant-protection employees are militarized guards who carry arms and are not employees within the meaning of Section 2 (3) of the Act; that it would not be "proper" for the Steelworkers to bargain for production and maintenance employees and also for guards; and that the employees in the three plants should constitute three separate units.

We have recently considered the contention that militarized guards are not employees under the Act, and found it to be without merit.³ Nothing in this case persuades us to hold otherwise. While we generally exclude militarized guards from production and maintenance units,⁴ when such employees are organized separately and seek a separate unit, they are entitled to representation by whatever bargaining agent they choose. It is, therefore, immaterial that the bargaining agent likewise represents the interests of other employees in the same plant or plants. The record discloses that the plant-protection employees in the three plants are under the same general supervision headed by the chief of police. The salary, rules and regulations, duties, and conditions of employment of all these employees are the same. The three plants are located within close proximity and constitute an "integrated steel plant" under the definition laid down by the Iron and Steel Institute. The Company has a contract covering its production and maintenance employees in the three plants in a single unit.

We find that all plant-protection employees of the Company at its Great Lakes Steel, Hanna Furnace, and Michigan Steel plants, excluding the chief, superintendents, lieutenants, sergeants, 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.⁵

³ See *Matter of Diavo Corp.*, 52 N. L. R. B. 322.

⁴ See *Matter of Diavo Corp.*, 52 N. L. R. B. 322.

⁵ We do not agree with the Company's contention that the decision in *Matter of Great Lakes Steel Corporation*, 14 N. L. R. B. 197, requires us to find a separate unit for each plant. The cases are clearly distinguishable.

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.⁶

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of 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 Great Lakes Steel Corporation, Ecorse, Michigan, at its Great Lakes Steel, Hanna Furnace, and Michigan Steel Plants, 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 Seventh 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, C. I. O., for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.

⁶ For the reasons stated in our recent decision of *Matter of Mine Safety Appliances Co., Callery Plant, Callery, Pa.*, 55 N. L. R. B. 1190, we reject the Company's contention that employees in the armed forces should be allowed to vote by absentee ballot.