

In the Matter of E. & G. BROOKE IRON COMPANY and UNITED STEEL-
WORKERS OF AMERICA, AFFILIATED WITH THE C. I. O.

Case No. 4-R-1376.—Decided May 5, 1944

Mr. Charles A. Wolfe, of Philadelphia, Pa., for the Company.

Mr. Andrew Kondrath, of Reading, Pa., for the Union.

Mr. Joseph E. Gubbins, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Steelworkers of America, affiliated with the Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of E. & G. Brooke Iron Company, Birdsboro, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Herman Lazarus, Trial Examiner. Said hearing was held at Reading, Pennsylvania, on April 11, 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

E. & G. Brooke Iron Company is a Pennsylvania corporation maintaining its plant and principal place of business at Birdsboro, Pennsylvania, where it is engaged in the manufacture of pig iron. The value of the raw materials used by the Company during the year 1943 amounted to approximately \$1,000,000, of which about 40 percent was

purchased and shipped to the Birdsboro plant from points outside the Commonwealth of Pennsylvania. The value of the finished products manufactured by the Company during the same period amounted to over \$1,000,000, approximately 21 percent of which was shipped to points outside 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, is a labor organization affiliated with the Congress of Industrial Organizations; 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 its production and maintenance employees until the Union has been certified by the Board.

A statement prepared by a Field Examiner, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be 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 parties stipulated and we find that all production and maintenance employees of the Company, including the factory clerk,² but excluding salaried employees, uniformed guards, foremen, assistant foremen, non-working supervisors, and all other supervisory employees who have 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-

¹ The Field Examiner reported that the Union submitted 95 authorization cards bearing names of persons whose names appear on the Company's pay roll of March 16, 1944; there are approximately 160 employees in the unit alleged by the Union to be appropriate.

² The record shows that the factory clerk works in the factory, that he is hourly paid, and that his principal duty consists of keeping production records.

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 E. & G. Brooke Iron Company, Birdsboro, 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, affiliated with the Congress of Industrial Organizations for the purposes of collective bargaining.