

In the Matter of THE SPANG CHALFANT DIVISION OF THE NATIONAL
SUPPLY COMPANY¹ and UNITED STEELWORKERS OF AMERICA, CIO

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SUPPLY Co. and UNITED STEELWORKERS OF AMERICA, CIO

Cases Nos. 6-R-937 and 6-R-938 respectively.—Decided May 18, 1944

Mr. Frank J. Donaghue, of Pittsburgh, Pa., for the Company.

Mr. Philip M. Curran, of Pittsburgh, Pa., for the Union.

Mr. William Strong, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASES.

Upon petitions duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that questions affecting commerce had arisen concerning the representation of employees of National Supply Company, Ambridge, Pennsylvania, herein called the Company, the National Labor Relations Board, having issued an order consolidating the cases, provided for an appropriate hearing upon due notice before W. G. Stuart Sherman, Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on April 20, 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company, a Pennsylvania corporation with its principal office at Pittsburgh, Pennsylvania, is engaged at Ambridge, Pennsylvania,

¹ The Company's name is shown as corrected by stipulation at the hearing.

in the manufacture, sale, and distribution of oil-well equipment. The Company has plants at Etna, Ambridge, and Carnegie, Pennsylvania; Springfield and Toledo, Ohio; Houston, Texas; and Torrance, California. Only the Company's Ambridge plant is involved in this proceeding. During the past year the equipment and raw materials used at this plant, valued in excess of \$500,000, were obtained from points outside of Pennsylvania. During the same period, more than 50 per cent of the Company's finished products, valued in excess of \$500,000, was shipped to points outside 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, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTIONS CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of the Company's plant-protection employees.² The Company objects to the representation of any of the plant-protection employees by the Union or any of its separate locals, on the ground that the Union should not be permitted to represent both production and maintenance employees and plant-protection employees.² The plant-protection employees, as part of their duties, make reports as to certain improper activities of other employees, property damage, infractions of rules, attempted sabotage and similar matters, which may lead to the disciplining and discharge of the latter. The Company concedes, however, that these duties are routine, and that the plant-protection employees have no power to hire or discharge others or to effectively recommend such action. While the Company also admits that the plant-protection employees have no supervision over the work of other employees, it claims that by virtue of their functions, summarized above, the former possess "an element of disciplinary supervision" over the latter. We find nothing in this record which might indicate that the plant-protection employees here involved, both militarized and non-militarized, perform functions or possess powers different from those usually found in this category of work. We have heretofore found that plant-protection employees are "employees" within the meaning of the Act, and

² The Union is now, and has been since 1939, the recognized exclusive representative of the Company's production and maintenance employees.

are entitled to exercise the rights guaranteed by the Act.³ We have also held that the same labor organization, if selected by the employees, may properly act as representative of production and maintenance employees and of plant-protection employees.⁴ Nothing in the cases before us leads us to a contrary conclusion. The Company's objections to the Union's representation of both production and maintenance employees and of the plant-protection employees, if it is chosen by them as their collective bargaining representative, are without merit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the units hereinafter found appropriate.⁵

We find that questions affecting commerce have 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 UNITS

In Case No. 6-R-937, the Union seeks a unit composed of all non-militarized plant-protection employees of the Company at its Ambridge, Pennsylvania, plant, including watchmen, policemen and guards, but excluding administrative and confidential employees, militarized plant-protection employees, and all supervisory employees. In Case No. 6-R-938, the Union seeks a unit composed of all militarized plant-protection employees of the Company at its Ambridge, Pennsylvania, plant, excluding administrative and confidential employees, non-militarized plant-protection employees, and all supervisory employees. The Company does not dispute the Union's inclusions and exclusions, but objects to the representation of the employees in the two units by the Union. We have already found that the Company's position in this respect is without merit.⁶

We find that all non-militarized plant-protection employees of the Company at its Ambridge, Pennsylvania, plant, including watchmen, policemen, and guards, but excluding administrative and confidential employees, militarized plant-protection 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

³ See e. g. *Matter of Dravo Corporation*, 52 N. L. R. B. 322; *Matter of Maryland Drydock Company*, 50 N. L. R. B. 363, *Matter of Maryland Drydock Company*, 49 N. L. R. B. 733.

⁴ See e. g. *Matter of Berkey and Gay Furniture Company*, 56 N. L. R. B. 578; *Matter of H. J. De Foe, et al.*, 56 N. L. R. B. 808.

⁵ The Field Examiner reported that the Union submitted, in Case No. 6-R-937, five membership cards and that there are nine employees in the appropriate unit.

The Field Examiner further reported that the Union submitted, in Case No. 6-R-938, 11 membership cards and that there are 16 employees in the appropriate unit.

⁶ See Section III, *supra*

of collective bargaining within the meaning of Section 9 (b) of the Act.

We further find that all militarized plant-protection employees of the Company at its Ambridge, Pennsylvania, plant, excluding administrative and confidential employees, non-militarized plant-protection 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 questions concerning representation which have arisen be resolved by elections by secret ballot among the employees in the appropriate units who were employed during the pay-roll periods immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTIONS

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 investigations to ascertain representatives for the purposes of collective bargaining with The National Supply Company, Ambridge, Pennsylvania, elections 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 Sixth 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 units found appropriate in Section IV, above, who were employed during the pay-roll periods immediately preceding the date of this Direction, including employees who did not work during the said pay-roll periods 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.