

In the Matter of RALSTON-PURINA COMPANY and INTERNATIONAL
LONGSHOREMEN'S ASSOCIATION, A. F. OF L.

Case No. 14-R-966.—Decided July 5, 1944

*Messrs. Cottrell Fox and George Noxon, of St. Louis, Mo., for the
Company.*

Mr. Larry Long, of St. Louis, Mo., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Longshoremen's Association, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Ralston-Purina Company, St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harry G. Carlson, Trial Examiner. Said hearing was held at St. Louis, Missouri, on June 8, 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 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

Ralston-Purina Company is a Missouri corporation operating plants in several States. We are here concerned with its grain elevator at St. Louis, Missouri, known as Elevator "A". During 1943 the Company received about 3,000,000 bushels of grain at Elevator "A", over 30 percent of which was shipped to it from points outside the State of Missouri. During the same period, approximately 50 percent of all

shipments from Elevator "A" was made to points outside the State of Missouri.

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

II. THE ORGANIZATION INVOLVED

International Longshoremen's Association is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as exclusive collective bargaining representative of the watchmen-firemen at Elevator "A".

A statement of a Field Examiner of the Board, introduced into 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 Union contends that all watchmen-firemen at Elevator "A" of the Company constitute an appropriate unit. The Company contends that the duties of its watchmen-firemen are such that they come into conflict with the interests of the production and maintenance employees. The Company argues that, since the Union already represents the production and maintenance employees, it is improper to permit the watchmen-firemen to be represented by the same labor organization, albeit in separate bargaining units. The Company further contends that the employees in dispute are part of management and are not employees within the meaning of the Act.

The watchmen-firemen are charged with the duties of checking the sprinkler system, firing boilers, and making rounds of the Company's premises. They are deputized by the City of St. Louis and are authorized to carry arms. Despite the peculiar relationship which plant-protection employees bear to management they are not to be denied any of the rights or privileges granted under Section 7 of the Act,² since we have often held, as we do now, that plant-protection officers exercise monitorial and not supervisory functions. The record in the instant case offers ample evidence that the watchmen-firemen have no discipli-

¹ The Field Examiner reported that the Union submitted 3 authorization cards of persons on the April 28, 1944, pay roll of the Company. There are approximately 3 employees in the appropriate unit.

² See *Matter of Chrysler Corporation*, 44 N. L. R. B. 881.

nary authority over the production and maintenance employees.

We turn now to the consideration of the contention that it is improper to permit plant-protection employees to be represented by the same labor organization as production and maintenance employees. This argument deals with a possible conflict of interest which may arise when plant-protection employees join a labor organization. Self-organization for collective bargaining is not incompatible with efficient and faithful discharge of duty.³ Neither does the fact that the watchmen-firemen were excluded from a unit previously found appropriate bar them from the right to bargain collectively through any bargaining agent whom they may desire to represent them.⁴

We find that all watchmen-firemen at Elevator "A" of the Company, excluding 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 means of 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 Ralston-Purina Company, St. Louis, Missouri, 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 Fourteenth 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

³ See *Matter of Dravo Corporation*, 52 N. L. R. B. 322.

⁴ See *Matter of Chrysler Corporation*, 44 N. L. R. B. 881.

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 International Longshoremen's Association, A. F. of L., for the purposes of collective bargaining.