

In the Matter of F. T. HOLLIDAY, ET AL. D/B/A MONARCH STEEL COMPANY and UNITED STEEL WORKERS OF AMERICA, AFFILIATED WITH THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

Case No. 9-R-1451.—Decided July 21, 1944

*Mr. Carl Wilde*, of Indianapolis, Ind., for the Company.

*Mr. Leo E. Casey*, of Indianapolis, Ind., for the Union.

*Mr. Robert Silagi*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended 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 F. T. Holliday, W. J. Holliday, et al. d/b/a Monarch Steel Company, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Louis Plost, Trial Examiner. Said hearing was held at Indianapolis, Indiana, on July 11, 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

W. J. Holliday, W. J. Holliday, Jr., J. S. Holliday, II, D. B. Holliday, C. H. Bradley, C. H. Bradley, Jr., F. T. Holliday, F. T. Holliday, Jr., John H. Holliday, and R. H. Holliday are co-partners doing business under the firm name and style of Monarch Steel Company. The partnership operates two plants, one at Indianapolis and the other

at Hammond, Indiana; however, the present proceeding is concerned solely with the former plant. The Indianapolis plant is engaged in processing rolled steel. During the year ending May 31, 1944, the value of the raw materials used by the Company, which consisted chiefly of steel, was in excess of \$100,000, at least 30 percent of which was purchased from sources located outside the State of Indiana. During the same period the Company sold finished material valued in excess of \$100,000, more than 30 percent of which was shipped by the Company to points outside the State of Indiana.

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 QUESTION CONCERNING REPRESENTATION

On May 8, 1944, the Union notified the Company that it represented a majority of the Company's production and maintenance employees and requested a bargaining conference. Thereafter, on May 16 the Company advised the Union that it could not recognize the Union as the exclusive bargaining representative until it had been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

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

At its Indianapolis plant the Company employs 42 individuals engaged in production and maintenance. These employees are classified as follows: six set-up men, three helpers, four leaders, three grinder operators, four straightener operators, three picklers, three pointer operators, two shipping clerks, two turning machine operators, three crane operators, two die makers, one draw bench operator; two saw operators, two testing machine operators, and two spark testers.

We find, in accordance with a stipulation of the parties, that all

<sup>1</sup>The Field Examiner reported that the Union submitted 42 authorization cards, 35 of which bore the names of persons appearing on the Company's pay roll of June 23, 1944; which contained the names of 43 employees in the alleged appropriate unit. The cards were all dated between April and May 1944.

production and maintenance employees employed in the Company's Indianapolis plant, including set-up men, but excluding foremen and any 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.

#### 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.

#### 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, as amended, it is hereby

**DIRECTED** that, as part of the investigation to ascertain representatives for the purpose of collective bargaining with F. T. Holliday, W. J. Holliday, et al., d/b/a Monarch Steel Company, Indianapolis, Indiana, 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 Ninth 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 the 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, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.