

In the Matter of LANCASTER IRON WORKS, INC. and UNITED STEEL-
WORKERS OF AMERICA, C. I. O.

Case No. 4-R-1454.—Decided July 26, 1944

Mr. S. R. Zimmerman, of Lancaster, Pa., for the Company.

Mr. Arthur F. Johnston, of York, Pa., for the C. I. O.

Mr. William Dameron, of Lancaster, Pa., for the Machinists.

Mr. Jack Mantel, 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 C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Lancaster Iron Works, Inc., Lancaster, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. Said hearing was held at Lancaster, Pennsylvania, on June 22, 1944. At the hearing, the Trial Examiner granted the motion of International Association of Machinists, A. F. of L., herein called the Machinists, to intervene. The Company, the C. I. O., and the Machinists 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

Lancaster Iron Works, Inc., a Pennsylvania corporation, is engaged at Lancaster, Pennsylvania, in the manufacture of iron and steel

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products. During the past year, approximately 35 percent of the raw materials purchased by the Company was shipped to its plant at Lancaster from points outside the Commonwealth of Pennsylvania. During the same period, approximately 75 percent of the Company's finished products, valued in excess of \$100,000, was shipped to points outside the Commonwealth.

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

II. THE ORGANIZATIONS INVOLVED

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

International Association of Machinists, affiliated with the American Federation of Labor, 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 C. I. O. as the exclusive bargaining representative of its employees until the C. I. O. has been certified by the Board in an appropriate unit.

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

We find, in substantial accordance with the agreement of the parties, that all employees at the North Plant Foundry of the Lancaster Iron Works situated on or near Harrisburg Avenue, Lancaster, Pennsylvania, excluding executives, foremen, watchmen, guards, office and clerical employees, any employees of the Lancaster Iron Works who are not employed in the North Plant Foundry, 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 pur-

¹ The Board agent reported that the C. I. O. presented 30 application-for-membership cards. There are 65 employees in the appropriate unit.

At the hearing, the Machinists presented to the Trial Examiner 12 authorization cards. The Trial Examiner reported that the names on the 12 cards appeared on the Company's pay roll for the period ending June 19, 1944.

pose 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.²

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 purposes of collective bargaining with Lancaster Iron Works, Inc., Lancaster, 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 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 they desire to be represented by United Steelworkers of America, affiliated with the Congress of Industrial Organizations; or by International Association of Machinists, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.

² At the hearing, the C. I. O. requested that its name appear on the ballot as set forth in the caption of the case. The Machinists requested that its name appear as "I. A. M., A. F. of L." The requests are, hereby granted.