

In the Matter of CONSOLIDATED STEEL CORPORATION, LTD. and INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL UNION No. 12, AFL

Case No. 21-R-2342.—Decided August 4, 1944

Mr. Alfred Wright, of Los Angeles, Calif., for the Company.

Messrs. L. O. Wilson, J. C. Fitzgerald, and J. Q. Adams, of Los Angeles, Calif., for the Engineers.

Messrs. John Barilona, George V. Harvey, and Robert Clark, of Maywood, Calif., for the Steelworkers.

Mr. Joseph C. Wells, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by International Union of Operating Engineers, Local Union No. 12, (AFL), herein called the Engineers, alleging that a question affecting commerce had arisen concerning the representation of employees of Consolidated Steel Corporation, Ltd., herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Maurice J. Nicoson, Trial Examiner. Said hearing was held at Los Angeles, California on June 20, 1944. The Company, the Engineers, and United Steelworkers of America, Local 2058, (CIO), herein called the Steelworkers, 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

Consolidated Steel Corporation, Ltd., a California corporation having its office and principal place of business in Los Angeles County, 57 N. L. R. B., No. 150.

California, is engaged in the manufacture and sale of boilers, structural steel products, steel derricks, pipe, reinforcing steel, and other steel products. For use at its plant in Los Angeles County, known as the Maywood plant, the Company annually purchases materials having a total value in excess of \$4,000,000, of which approximately 50 percent represents the total value of materials shipped there from points outside the State of California. The Company's annual sales have a total value in excess of \$6,000,000, about 10 percent of which represents the total value of products shipped to places outside the State.

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

II. THE ORGANIZATIONS INVOLVED

International Union of Operating Engineers, Local Union No. 12, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

United Steelworkers of America, Local 2058, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED QUESTION CONCERNING REPRESENTATION IN AN APPROPRIATE UNIT

The Engineers contend that all truck crane and crawler crane operators, and all truck crane and crawler crane oilers or apprentices employed by the Company, working inside or outside the Maywood plant,¹ constitute an appropriate bargaining unit. The Company and the Steelworkers contend that these employees, while working inside the Maywood plant, are a part of the general production and maintenance unit which the Board, in a prior determination, found to be appropriate.

The cranes operated by the employees here involved originally were utilized by the Company in the performance of construction work outside the Maywood plant, and the men employed to work with the cranes were employed principally for the performance of this work. Occasionally, when such construction work was not available, the cranes and employees working on them were utilized by the Company to perform maintenance and production work inside the Maywood plant. On such occasions, these crane employees were placed on the maintenance and production pay roll, were under the direction and control of maintenance and production supervisors, and received less pay than

¹ The petition filed by the Engineers describes the unit it sought as these employees working "out of" the plant. This petition was amended at the hearing to include within the unit sought these employees working "in or out of" the plant.

that received by them for outside construction work. Prior to the Company's conversion to war production, these employees were used during the majority of their working time on outside construction work. Since this conversion, the employees, collectively, have spent about 80 percent of their working time on maintenance and production work inside the plant.

On September 7, 1940,² the Board certified the Steelworkers, at that time known as Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, affiliated with the Steel Workers Organizing Committee, as the exclusive bargaining representative of the Company's maintenance and production employees at the Maywood plant. The Board's certification was based on the results of an election conducted by the Board in which the Engineers participated through the Los Angeles County Metal Trades Council, A. F. L.³ The Steelworkers and the Company are signatories to a contract with respect to wages and working conditions of the maintenance and production employees at the Maywood plant which is presently in effect. The Engineers on the other hand is recognized by the Company as the bargaining representative of its employees performing work outside the Maywood plant, and has negotiated and entered into agreements with the Company with respect to the wages and working conditions of these employees for work performed outside the plant. On one occasion the Company and the Engineers agreed to a wage increase for the employees here involved covering their work inside the plant. However, it is clear that in all other respects working conditions inside the plant are the results of negotiations between the Company and the Steelworkers.⁴

There is no evidence that the truck and crawler crane operators and oilers or apprentices have craft interests which would warrant our segregating them, for the purpose of collective bargaining, from other type crane operators who are part of the industrial unit which we have found appropriate in this plant. Therefore, in view of all the circumstances, including the history of collective bargaining, we hold that the employees here involved are included in the industrial unit previously found to be appropriate during such periods as they are engaged in work in the plant.⁵ Since it is evident that the Engineers seek in this petition to be certified as the exclusive bargaining representative of these employees both during the periods they work inside and outside the plant, we find that the unit sought by the Engineers is inappropriate for the purposes of collective bar-

² *Matter of Consolidated Steel Corporation, Ltd.*, 27 N. L. R. B. 148.

³ *Matter of Consolidated Steel Corporation, Ltd.*, 26 N. L. R. B. 44.

⁴ Cf. *Matter of Kaiser Company, Inc (Iron and Steel Division)* 54 N. L. R. B. 1219.

⁵ See *Matter of Wadham's Division of Socony-Vacuum Oil Company*, 54 N. L. R. B. 1164; *Matter of Carlisle & Jacquelin*, 55 N. L. R. B. 678. Also see *Matter of Kaiser Company, Inc. (Iron and Steel Division)*, 55 N. L. R. B. 439.

gaining. We further find that since the Company recognizes the Engineers as the exclusive bargaining representative of its employees here involved during such time as they work outside the plant, no question concerning representation of such employees exists. Accordingly, we shall dismiss the Engineers petition.

ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives filed by International Union of Operating Engineers, Local Union No. 12, AFL, be, and it hereby is, dismissed.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Order.