

In the Matter of ALUMINUM COMPANY OF AMERICA and UNITED
STEELWORKERS OF AMERICA, CIO

Case No. 2-R-4786.—Decided August 9, 1944

Mr. O. V. Peterson, of Edgewater, N. J., and *Messrs. H. Flynn* and *N. F. Humes*, of Pittsburgh, Pa., for the Company.

Mr. Philip M. Curran, of Pittsburgh, Pa., and *Mr. Harold Bernard*, of Cliffside, N. J., for the Union.

Miss Ruth Rusch, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, CIO, herein called the Union,¹ alleging that a question affecting commerce had arisen concerning the representation of employees of Aluminum Company of America, Edgewater, New Jersey, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Richard J. Hickey, Trial Examiner. Said hearing was held at Edgewater, New Jersey, on July 6, 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.

¹ The record discloses that, since the petition and amended petition were filed, there has been an amalgamation of International Aluminum Workers of America, Local 16, CIO, in whose name the petitions were filed, with United Steelworkers of America, CIO. The Trial Examiner granted a motion, to which there were no objections, permitting the Union to amend the petition and all formal documents herein by changing the name of International Aluminum Workers of America, Local 16, CIO, to United Steelworkers of America, CIO.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Aluminum Company of America is a Pennsylvania corporation with one of its plants located at Edgewater, New Jersey, where it is engaged in the manufacture, sale, and distribution of aluminum sheet, press forgings, screw machine products, and foil. During the past year, the Company has purchased aluminum, which is the principal raw material used, amounting to more than \$1,000,000 in value, of which 90 percent was obtained from sources outside the State of New Jersey. For the same period, the Company's products sold for more than \$1,000,000, of which 90 percent was shipped outside the State of New Jersey.

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

II. THE ORGANIZATION INVOLVED

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

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its militarized plant-protection employees until the Union is 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.²

We find that a question affecting commerce had 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 at present represents the Company's production and maintenance employees at the plant herein involved in a unit estab-

² The Field Examiner reported that the Union submitted 30 application cards, 27 of which bore the names of persons listed on the Company's pay roll. The pay roll listed the names of 48 employees in the appropriate unit. There were 15 cards dated May 1944, 1 dated April 1944, 2 dated January 1944, 6 dated October 1943, and 6 were undated.

lished as the result of a consent election held in May 1939. That unit excludes watchmen and guards. In this proceeding, the Union seeks to represent all militarized plant-protection employees at the Company's Edgewater plant, including corporals and excluding lieutenants and sergeants, in a separate unit.

The Company raises no objection to the composition of the proposed unit, but contends that representation of its plant-protection employees for the purposes of collective bargaining, especially by the labor organization which represents its production and maintenance employees, is incompatible with the status of plant-protection employees as an arm of management. We have considered and rejected such contentions in numerous cases,³ and we find here no reason to depart from our usual policy.

The Company employs 48 guards including corporals, in addition to 1 lieutenant and 3 sergeants, all of whom are armed auxiliary police. The corporals perform the same duties as the guards except that they may relieve the sergeants on their day off. The corporals receive a slightly higher wage per week than the guards. The record shows without dispute that they have no authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action.

We find, in accordance with our well established policy and the stipulation of the parties and the record, that all militarized plant-protection employees, including corporals, employed by the Company at its Edgewater, New Jersey, plant, but excluding lieutenants, sergeants, 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 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.

³ *Matter of Chrysler Corporation, Highland Park Plant*, 44 N. L. R. B. 881; *Matter of Aluminum Company of America*, 50 N. L. R. B. 380; *Matter of Dravo Corporation*, 52 N. L. R. B. 322; and *Matter of Bohn Aluminum and Brass Corporation*, 53 N. L. R. B. 231.

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 Aluminum Company of America, Edgewater, New Jersey, 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 Second 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 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, CIO, for the purposes of collective bargaining.

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