

In the Matter of SEMET-SOLVAY COMPANY and UNITED STEELWORKERS  
OF AMERICA (CIO)

*Case No. 9-R-1477.—Decided August 23, 1944*

*Mr. Howard Van Antwerp, Jr.*, of Ashland, Ky., for the Company.  
*Mr. Howard N. Porter*, of Columbus, Ohio, and *Mr. W. N. Vanover*,  
of Ashland, Ky., for the Union.  
*Mr. David V. Easton*, 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, alleging that a question affecting commerce had arisen concerning the representation of employees of Semet-Solvay Company, Ashland, Kentucky, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Benjamin E. Cook, Trial Examiner. Said hearing was held at Catlettsburg, Kentucky, on July 20, 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 an opportunity to file briefs with the Board.<sup>1</sup>

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Semet-Solvay Company, a New York corporation, operates a plant located in Ashland, Kentucky, herein referred to as the Ashland

<sup>1</sup> Subsequent to, the hearing, the parties executed a stipulation, dated August 5, 1944, correcting certain errors in the record made at the hearing. The record is hereby corrected in accordance with this stipulation.

plant. The Ashland plant manufactures coke and by-products of coal. During the year 1943, 50 percent of the principal raw materials used by the Company in the manufacture of its products was obtained from States other than the State of Kentucky, and during this same period approximately 20 percent of the finished products produced at the Ashland plant was shipped to points located outside of said State.

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 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 refused to recognize the Union as exclusive collective bargaining representative of certain of its employees until the Union has been certified by the Board.

A statement of a Field Examiner for the Board, introduced into evidence at the hearing, as supplemented by a statement of the Trial Examiner made at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</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

Substantially in accordance with the stipulation of the parties at the hearing we find that all employees of the Company at its Ashland plant, including gatemen, janitors, and truck drivers, but excluding office employees, and timekeepers, factory or plant clerks (if any), assistant chief clerks, plant engineer, master mechanic, assistant master mechanic, chief chemist, plant chemist, yardmaster, head flue man, and all 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.

<sup>2</sup> The Field Examiner reported that the Union submitted 71 designation cards. The Trial Examiner reported that the Union submitted to him 131 designation cards, of which 95 bore the signatures of persons appearing upon the Company's pay roll dated July 15, 1944, and that said pay roll contained the names of 214 employees.

## 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.<sup>3</sup>

## 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 Semet-Solvay Company, Ashland, Kentucky, 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 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 C. I. O., for the purposes of collective bargaining.

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

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<sup>3</sup> The Union requested that it be designated on the ballot as "United Steelworkers of America, affiliated C. I. O." This request is hereby granted.