

In the Matter of CALIFORNIA SHIPBUILDING CORP. and TECHNICAL ENGINEERS, ARCHITECTS & DRAFTSMEN'S LOCAL 94, A. F. L.

*Case No. 21-R-2345.—Decided August 31, 1944*

*Thelen, Marvin, Johnson & Bridges, by Mr. Samuel S. Gill, of Los Angeles, Calif., for the Company.*

*Mr. David Berniker, of Los Angeles, Calif., for the Union.*

*Mr. Nelson Taylor, of Los Angeles, Calif., for the Council.*

*Mr. Bernard Goldberg, of counsel to the Board.*

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Technical Engineers, Architects & Draftsmen's Local 94, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of California Shipbuilding Corp., Terminal Island, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William B. Esterman, Trial Examiner. Said hearing was held at Los Angeles, California, on July 6, 1944. The Company, the Union, and Los Angeles Metal Trades Council, herein called the Council, 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

California Shipbuilding Corp. has a shipyard at Terminal Island, California, where it is engaged in the construction of Victory ships and troop transports for the United States Maritime Commission.

About 95 percent of the materials used by the Company in its ship construction work, most of it furnished by the United States Maritime Commission, is shipped into the State of California from points outside the State. The Company employs about 35,000 workers.

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

## II. THE ORGANIZATION INVOLVED

Technical Engineers, Architects & Draftsmen's Local 94, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

## III. THE ALLEGED APPROPRIATE UNIT

The Union seeks a unit comprising all hull surveyors. The Company contends that the unit claimed is too restricted, that an appropriate unit should include all surveyors, engineers, and draftsmen employed in the shipyard.

The Union is authorized by its charter to accept as a member any individual engaged in engineering, architectural or drafting work. In the instant case, however, it seeks to represent only a fraction of the employees eligible for membership, to wit, the hull surveyors who work on the ship ways. The Union would exclude from the unit not only all draftsmen and engineers, including those working in and about the ship ways, but also other surveyors who work elsewhere about the shipyard doing surveying work in connection with the construction of new facilities and the repair of the old. While the situs of employment of these two groups of surveyors is different, their technical skills are substantially the same.

The Union admits that there is no precedent for the unit sought to be established in the present case in any shipyard on the Pacific Coast. It is apparent, moreover, that the Union here seeks to represent only a portion of those technical employees whom it admits to membership and has included in its bargaining relationship with other shipbuilding companies. In the recent case of *Matter of Consolidated Steel Corporation*,<sup>1</sup> a proceeding involving the Union and another shipyard whose operations are comparable to those of the Company, the Board found appropriate a unit of technical employees including, among others, all surveyors, draftsmen, and engineers. While the Board has permitted the separate departmental representation of employees pending more complete organization on a plant-wide basis, in the absence of unusual circumstances it has not found appropriate a unit composed of a portion of a craft, or of any

<sup>1</sup> 55 N. L. R. B. 1373.

other arbitrary and artificial grouping of employees as sought herein by the Union.<sup>2</sup> Accordingly, we find that the unit sought by the Union is inappropriate for the purposes of collective bargaining, and shall dismiss the petition filed herein.

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since the bargaining unit sought to be established by the petition is inappropriate; as stated in Section III, above, we find that no question has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) of the National Labor Relations Act.

#### ORDER

Upon the basis of the above findings of fact and the entire record in the case, the Board hereby orders that the petition for investigation and certification of representatives of employees of California Shipbuilding Corp., Terminal Island, California, filed by Technical Engineers, Architects & Draftsmen's Local 94, affiliated with the American Federation of Labor, be, and it hereby is, dismissed.

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

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<sup>2</sup> *Matter of Triangle Publications, Inc*, 40 N L R B. 1330.