

In the Matter of E. W. BLISS COMPANY (ROLLING MILL DIVISION) and  
UNITED STEELWORKERS OF AMERICA (CIO), DISTRICT #26

*Case No. 8-R-1635.—Decided October 20, 1944*

*Mr. H. F. Smith*, of Toledo, Ohio, and *Messrs. L. W. Nash, E. G. Holt, A. Cutcliff*, and *M. A. York*, of Salem, Ohio, for the Company.

*Mr. LaVerne Halsey*, of Youngstown, Ohio, and *Messrs. William Steffel* and *Daniel W. Weber*, of Salem, Ohio, for the Union.

*Miss Frances Lopinsky*, 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), District #26, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of E. W. Bliss Company (Rolling Mill Division), Salem, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William O. Murdock, Trial Examiner. Said hearing was held at Salem, Ohio, on September 19, 1944. The Company and the Union appeared and participated.<sup>1</sup> 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

E. W. Bliss Company, a Delaware corporation, operates plants in Brooklyn, New York, Toledo, Cleveland, and Salem, Ohio, and one plant in Michigan. The only plant involved in the instant proceed-

<sup>1</sup> Pattern Makers League of North America, also served with notice, did not appear.

ing is the one located at Salem, Ohio, known as the Rolling Mill Division, where the Company is engaged in the manufacture of heavy rolling mill equipment. The principal raw materials used by the Company at its Salem, Ohio, plant, are steel, iron, and brass. The annual dollar value of such material exceeds \$1,000,000, of which approximately 75 percent comes from sources outside the State of Ohio. The annual dollar value of the Company's sales from the Salem, Ohio, plant exceeds \$1,000,000, of which approximately 75 percent is shipped to points outside the State of Ohio.

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, District #26, affiliated with the Congress of Industrial Organizations, 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 Union as the exclusive bargaining representative of its employees until the Union 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 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

In substantial accordance with the agreement of the parties, we find that all production and maintenance employees of the Company at its Salem plant, including watchmen and unmilitarized guards, but excluding office employees, pattern makers, draftsmen, and other technical employees, militarized guards,<sup>3</sup> 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.

<sup>2</sup> The Field Examiner reported that the Union submitted 156 authorization cards, all of which bore signatures of persons listed on the Company's pay roll of August 30, 1944, which contained the names of 244 employees in the appropriate unit; and that the cards were dated in May, June, July, and August 1944.

<sup>3</sup> Although the Company employs no militarized guards at the present time, the parties requested that this exclusion be noted for possible future reference.

## V. THE DETERMINATION OF REPRESENTATIVES

The parties are in dispute as to whether or not "learners" or "temporary" employees, and apprentices may participate in the election, the Company contending that they should be declared ineligible to vote; the Union contending that they should be allowed to participate.

The Company's regular operations are the manufacture of heavy rolling mill equipment. As a war project, it has taken on a subcontract for the construction of tank turrets. On the basis of the number of turrets ordered and completed, and the fact that the prime contractor for which they are being constructed is now producing them, the Company estimates that it will return to normal operations in December 1944. Since accepting the subcontract, the Company has employed a number of people, including women and high school students and young boys who have recently finished high school whom it accepts as "learners" and classifies as "temporary" employees. The Company contends that although these employees are competent to perform operations in the manufacture of tank turrets, which requires little skill because operations are repetitive, they cannot be used in the manufacture of rolling mill equipment which requires skill and physical fortitude, and that, consequently, when the subcontract shall have been completed, they will be discharged. However, within the group of "temporary" employees are machinists whom the Company intends to retain, and boys whom the Company has promised a possible apprenticeship. Moreover, it appears that although many of the normal operations of the Company require skill and physical fortitude not possessed by some of the "temporary" employees, there are certain operations, now being performed by women and boys, which are duplicated in the Company's normal operations. Since "temporary" employees do, therefore, have a reasonable expectation of permanent employment with the Company, we hold them eligible to participate in the election hereinafter directed.

Unlike "learners," apprentices are required to serve a 4-year training period, after which they are classified as regular production and maintenance employees. Since the expectation of permanent employment is greater for an apprentice than for "temporary" employees, we hold apprentices, also, eligible to participate in the election hereinafter directed.

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.

## 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 E. W. Bliss Company (Rolling Mill Division), Salem, Ohio, 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 Eighth 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, and the determination made in Section V, above, 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 or not they desire to be represented by United Steelworkers of America (CIO), District #26, for the purposes of collective bargaining.