

In the Matter of REPUBLIC STEEL CORPORATION and UNITED STEEL-
WORKERS OF AMERICA, CIO, DISTRICT #26

Case No. 8-R-1507.—Decided October 31, 1944

Mr. George R. Rauschenberg, of Cleveland, Ohio, and *Mr. T. P. Stanton*, of Youngstown, Ohio, for the Company.

Messrs. A. J. Keeling, and *William S. George*, of Youngstown, Ohio, for the Union.

Mr. Sidney Grossman, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by the 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 Republic Steel Corporation, Youngstown, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas E. Shroyer, Trial Examiner. Said hearing was held at Youngstown, Ohio, on September 26, 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company, a New Jersey corporation, with its principal executive offices at Cleveland, Ohio, is engaged in the manufacture, sale, and distribution of iron and steel at its Youngstown, Ohio, Republic and

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Republic-Bessemer plants, with which this proceeding is concerned. It receives substantial quantities of new materials and iron ore and coal from sources outside the State of Ohio, and ships substantial quantities of finished products 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 the employees of the Company 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.¹

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

The Union requests a unit consisting of all office and clerical employees of the Company's Republic and Republic-Bessemer plants at Youngstown, Ohio, excluding employees in the industrial engineering and industrial relations departments, superintendent's clerks or other confidential secretaries to supervisory employees, and supervisors. The Company contends that a unit comprised of office and clerical employees is inappropriate because of the alleged confidential nature of their work, and would exclude certain categories in this group, hereinafter discussed, as supervisory or technical in character.

In support of its contention that the proposed unit is inappropriate, the Company, in substance, maintains that all of the office or clerical employees possess or have access to important information relating to company business or the earnings of other employees, and that the industrial relations and industrial engineering departments utilize information compiled by employees in the accounting department for the purpose of facilitating the adjustment of grievances. However,

¹ The Field Examiner reported that the Union submitted 150 authorization cards, of which 75 were dated February 1943, 5 in October 1943, 5 in December 1943, 45 in February 1944, and 20 were undated. There are approximately 300 to 500 employees in the alleged appropriate unit. The authorization cards were not checked against the company pay roll.

since the record does not reveal that office or clerical employees generally possess or have access to information directly relating to the problem of labor relations, we find that such employees constitute an appropriate unit for the purposes of collective bargaining.

The parties agreed to the exclusion of the employee classifications listed in Appendix A. They also agreed to the exclusion of superintendent's clerks throughout the various departments. Inasmuch as the record reveals, in each instance, that these employees either possess supervisory authority within the meaning of our customary definition, or are confidential employees in that they have access to information associated with labor relations, we shall exclude the superintendent's clerks and employees listed in Appendix A.

The Union, however, is opposed to the exclusion of certain other employee classifications, listed in Appendix B, concerning which evidence was introduced at the hearing. The record discloses that the clerks, first class in the blast furnace and in the plate and bar mill departments, possess the status of superintendent's clerks, and therefore occupy the position of confidential secretaries to the superintendent and also possess authority to recommend disciplinary action. All other employees referred to in Appendix B, in each instance, possess supervisory functions within our customary definition. We shall, therefore, exclude the employees listed in Appendix B.

Claim representative: The record reveals that the claim representative in the metallurgical department whom the Company would exclude because of the technical character of his work, among other duties, allocates complaints of a metallurgical or technical nature to the respective laboratories in the plant, and possesses the qualifications of a metallurgist; we shall, therefore, exclude him, as well as all other technical employees, from the unit.

Cashier's clerks: The Company would exclude, as supervisory employees, the two cashier's clerks in the cashier's office of the accounting department for the reason that these employees may occupy the status of the cashier in the event the latter is absent. However, since the record does not disclose that the cashier is absent on frequent occasions, we are not persuaded that such employees are supervisory within our customary definition; we shall, therefore, include them in the unit herein found appropriate.

We find that all office and clerical employees of the Company's Republic and Republic-Bessemer plants, at Youngstown, Ohio, including cashier's clerks, but excluding employees in the industrial engineering and industrial relations departments, claim representative in the metallurgist department, technical employees, superintendent's clerks or other confidential secretaries to supervisory employees, the employees listed in Appendices A and B, 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.

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.

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 Republic Steel Corporation, Youngstown, 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, 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.

APPENDIX A

Accounting Department:	Accounting Department—Con.
Works accountant's office:	Pay, Time and Distribution—
Works accountant's clerk	Continued.
Works accountant's stenographer	Rate schedule clerk
Pay, Time and Distribution:	Chief clerk, distribution
Chief pay-roll clerk	and tabulating
	Chief distribution clerk

Accounting Department—Con.

Cashier's office:

Cashier

Cost and Production:

Chief cost clerk

Accounts payable:

Chief clerk

Assistant chief clerk

Man, Hours and Social Security:

Chief clerk

Miscellaneous:

Salary and bonus clerk

Storeroom:

Chief storekeeper

Assistant storekeeper

Accounting Department—Con.

Pipe Works—Production Office:

Chief clerk

Assistant chief clerk

Foremen—electric weld tube

Bessemer Production Office:

Chief clerk

Open Hearth Production Office:

Chief clerk

Assistant chief clerk

Metallurgical Department:

Chief clerk

Chief clerk—Bessemer

Order & Shipping Department:

Manager's clerk

APPENDIX B

Accounting Department:

Pay, Time and Distribution:

Key pay-roll clerk

Chief clock house clerk

Chief tabulating machine operator

Chief key punch operator

Cost and Production:

Key cost clerk

Miscellaneous:

Building custodian

Pipe works—production office:

Head recorder—butt and continuous

Accounting Department—Con.

Pipe works—production office—Continued.

Head recorder—electric weld tube

Order and Shipping Department:

Head Scheduler

Chief biller

Assistant chief biller

Blast Furnaces Department:

Clerk 1st class

Plate and Bar Mill Department:

Clerk 1st class