

In the Matter of TRANSUE WILLIAMS STEEL FORGING CORPORATION and
UNITED MINE WORKERS OF AMERICA, DIVISION NO. 5, DISTRICT NO. 6

Case No. 8-R-1624.—Decided November 3, 1944

Messrs. J. R. Gorman, R. E. Hess, and E. H. Meeks, of Alliance, Ohio, for the Company.

Mr. Joseph Kostecha, of Bellaire, Ohio, for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Mine Workers of America, Division No. 5, District No. 6, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Transue Williams Steel Forging Corporation, Alliance, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William A. Murdock, Trial Examiner. Said hearing was held at Lisbon, Ohio, on October 10, 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 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

Transue Williams Steel Forging Corporation is a Delaware corporation operating a plant at Alliance, Ohio, where it is engaged in the manufacture of drop forgings and stampings. The Company purchases raw materials valued in excess of \$1,000,000, annually, ap-
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proximately 20 percent of which is shipped to it from points outside the State of Ohio. During the same periods the Company manufactures products valued in excess of \$1,000,000, approximately 70 percent of which 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 Mine Workers of America, Division No. 5, District No. 6, is a labor organization, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

In July 1944 the Union requested the Company to recognize it as the exclusive bargaining representative of the coal miners employed by it. The Company refused this request until such time as the Union is certified by the Board.

The Company is at present operating under an exclusive collective bargaining contract with International Brotherhood of Blacksmiths, Drop Forgers and Helpers, A. F. of L., herein called the Blacksmiths, covering its production and maintenance employees. The Company contends that the employees involved herein are covered by its contract with the Blacksmiths. The Blacksmiths disclaimed any interest in the miners, and it further appears that the miners were not eligible to vote in an election conducted by this Board as a result of which the Blacksmiths was certified as the exclusive collective bargaining agent of the Company's production and maintenance employees. It further appears that the Blacksmiths have never sought to represent the miners. Under the circumstances, we find that the coal miners are not covered by the agreement between the Company and the Blacksmiths, and that, therefore, said contract does not constitute a bar to this proceeding.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be 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.

¹ The Field Examiner reported that the Union presented six membership application cards. There are approximately seven employees in the appropriate unit.

IV. THE APPROPRIATE UNIT

We find, in substantial agreement with a stipulation of the parties, that all employees at the strip coal mine of the Company, excluding foremen and any 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 means of 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 Transue Williams Steel Forging Corporation, Alliance, 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 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 any 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 Mine Workers of America, Division No. 5, District No. 6, for the purposes of collective bargaining.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.