

In the Matter of IOWA MALLEABLE IRON COMPANY and UNITED STEEL-
WORKERS OF AMERICA, C. I. O.

Case No. 18-R-1111.—Decided November 7, 1944

Mr. Roscoe P. Thoma, of Fairfield, Iowa, for the Company.

Mr. Frank Singleton, of Keokuk, Iowa, for the C. I. O.

Mr. Douglas J. Hanna, of Davenport, Iowa, for the A. F. of L.

Mr. Sidney Grossman, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by the United Steelworkers of America, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Iowa Malleable Iron Company, Fairfield, Iowa, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William J. Scott, Trial Examiner. Said hearing was held at Fairfield, Iowa, on October 4, 1944. At the commencement of the hearing, the Trial Examiner granted a motion of the International Molders and Foundry Workers Union of North America, A. F. of L., herein called the A. F. of L., to intervene. The Company, the C. I. O., and the A. F. of L. 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 Iowa Malleable Iron Company, an Iowa corporation, with its principal office and factory at Fairfield, Iowa, is engaged in produc-

ing malleable iron castings. During the 6-month period prior to August 31, 1944, 93 percent of the raw materials purchased by the Company, aggregating \$122,109.86, was secured from sources outside the State of Iowa. During the same period, 53 percent of the Company's total sales, amounting to \$159,007.10, was shipped to points outside the State of Iowa.

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

II. THE ORGANIZATIONS INVOLVED

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

International Molders and Foundry Workers Union of North America, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On September 2, 1944, the C. I. O. addressed a letter to the Company, stating therein that it represented a majority of the employees in the alleged appropriate unit and requested that the Company withhold negotiations of a new contract with the A. F. of L. pending the determination of the question of representation. The Company refused to grant recognition until the C. I. O. has been certified by the Board in an appropriate unit.¹

A statement of a Board agent, introduced into evidence at the hearing, indicates that the C. I. O. represents a substantial number of employees in the unit hereinafter found appropriate.²

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 C. I. O. requests a unit composed of all production and maintenance employees, excluding clerical employees, head of the laboratory, departmental foremen, and supervisors. The Company and the A. F.

¹ Neither the Company nor the A. F. of L. contends that a 1942 contract, as supplemented in August 1943, constitutes a bar to this proceeding.

² The Field Examiner reported that the C. I. O. submitted 35 application for membership cards, 31 of which appeared on the Company's pay roll of September 18, 1944, which listed 108 employees in the alleged appropriate unit, excluding those in the military service, and that 11 cards were dated in August 1944, 2 in September 1944, and 22 were undated. The A. F. of L. relies upon its contract as evidence of its interest in the alleged appropriate unit.

of L. are in general agreement with the unit proposed by the C. I. O., but would exclude oven firemen, watchmen, general maintenance men, power-plant employees, janitors, and the supervising melter, who were specifically excluded from the operation of the 1942 contract between the Company and the A. F. of L. The A. F. of L. also alleges in support of its desire to exclude the foregoing employees that some of them possess skills characteristic of crafts within the province of other unions.

The record discloses that the power-plant employees, consisting of a chief engineer, stationary engineer, and a helper who spends a substantial portion of his time as a watchman, operate the equipment in the boiler room and powerhouse. The watchmen, who do not wear uniforms and are not militarized, are also classified as annealing oven firemen since approximately 50 percent of their time is devoted to keeping the annealing ovens in operation. The maintenance men take care of the general maintenance of equipment and machinery in the plant. The janitors perform the usual janitorial duties. The supervising melter merely maintains tonnage and scrap records; he does not possess supervisory functions within our customary definition. While some of these employees may fall within categories appropriately incorporated in units characteristic of specific crafts, the record does not reveal that any other organizations represent or are seeking so to represent them. We shall, therefore, include all of the foregoing employees in the unit herein found appropriate.

We find that all production and maintenance employees of the Company, at Fairfield, Iowa, including power-plant employees, watchmen, oven firemen, general maintenance men, janitors, and the supervising melter, but excluding office and clerical employees, the chief engineer, head of the laboratory, departmental foremen, and all or 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 an election by secret ballot among the employees in the appropriate unit who were employed during the payroll 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 the Iowa Malleable Iron Company, Fairfield, Iowa, 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 Eighteenth 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 employes 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 they desire to be represented by United Steelworkers of America, affiliated with the Congress of Industrial Organizations, or by International Molders and Foundry Workers Union of North America, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.

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