

In the Matter of LOUISVILLE BRIDGE & IRON COMPANY and SHOPMEN'S LOCAL UNION #682, INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS, A. F. OF L.

Case No. 9-R-1652.—Decided December 6, 1944

Messrs. Grover Sales and C. P. Watson, of Louisville, Ky., for the Company.

Messrs. Norman E. Herbert and Roy Dornes, of Louisville, Ky., 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 Shopmen's Local Union #682, International Association of Bridge, Structural and Ornamental Iron Workers, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Louisville Bridge & Iron Company, Louisville, Kentucky, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William R. Cameron, Trial Examiner. Said hearing was held at Louisville, Kentucky, on November 21, 1944. The Company and the Union appeared at and participated in the hearing.¹ 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 opportunity to file briefs with the Board.

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

¹ Although International Brotherhood of Boilermakers and Iron Ship Builders of America, Local No. 40, A. F. of L., was served with Notice of Hearing, it did not appear.

59 N. L. R. B., No. 151.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Louisville Bridge & Iron Company is a Kentucky corporation with its principal place of business at Louisville, Kentucky, where it is engaged in the manufacture of steel sections and bulkheads for L. S. T. boats. The Company produces products valued in excess of \$750,000 annually, over 95 percent of which is shipped to points outside the State of Kentucky. All raw materials used by the Company are furnished by the United States Government.

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

II. THE ORGANIZATION INVOLVED

Shopmen's Local Union #682, International Association of Bridge, Structural and Ornamental Iron Workers, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of its employees until such time as the Union is certified by the Board.

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.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 Union urges that all production and maintenance employees of the Company, including pushers, but excluding office and clerical employees, the material clerk, guards, the superintendent, foremen, and leadmen, constitute an appropriate bargaining unit. The only controversy with respect to the unit concerns the material clerk and guards.

The Company employs one material clerk who is paid on an hourly rate and carried on the factory pay roll. The record discloses that

² The Field Examiner reported that the Union presented 83 authorization cards. There are approximately 160 employees in the appropriate unit.

although his work is primarily of a clerical nature, he works in the plant and assists the superintendent. We shall include the material clerk in the unit.

The Company employs six persons classified as guards. Although they were formerly sworn as Auxiliary Military Police, they have been demilitarized. They are at present armed and uniformed. Their sole duties are to patrol the plant and to perform duties normally performed by watchmen. We shall include them in the unit.

We find that all production and maintenance employees of the Company, including guards, the material clerk, and pushers, but excluding office and clerical employees, the superintendent, foremen, leadmen, 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 Louisville Bridge & Iron Company, Louisville, Kentucky, 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 Ninth 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 those 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 Shopmen's Local Union #682, International Association of Bridge, Structural and Ornamental Iron Workers, A. F. of L., for the purposes of collective bargaining.