

In the Matter of HILLMAN TRANSPORTATION COMPANY and NATIONAL  
MARITIME UNION OF AMERICA, CIO

Case No. 6-R-1052.—Decided December 16, 1944

*Mr. John E. Laughlin, Jr.*, of Pittsburgh, Pa., for the Company.  
*Mr. Hyman Schlesinger*, of Pittsburgh, Pa., for the NMU.  
*Mr. Herbert C. Kane*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by National Maritime Union of America, CIO, herein called the NMU, alleging that a question affecting commerce had arisen concerning the representation of employees of Hillman Transportation Company, Pittsburgh, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Jerome L. Black, Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on November 16, 1944. The Company and the NMU 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

Hillman Transportation Company, a Pennsylvania corporation, a wholly owned subsidiary of Hillman Coal and Coke Company, is engaged in the operation of various vessels<sup>1</sup> carrying freight and passengers between Pennsylvania and West Virginia.

During the past 12 months, the Company carried approximately 5,500,000 tons of materials, of which about 17 percent was shipped from

<sup>1</sup> At the time of the hearing the Company operated four vessels, namely: *J. H. Hillman*, *J. M. Leithhead*, *A. B. Sheets*, and *Henry Roemer*; the last is not presently operating.

points outside the Commonwealth of Pennsylvania to points within the Commonwealth of Pennsylvania; from points within the Commonwealth of Pennsylvania to points outside the Commonwealth of Pennsylvania; and from points without the Commonwealth of Pennsylvania to points in a State other than the Commonwealth of Pennsylvania and other than the State of its origin.

The Company admits, for the purpose of this hearing, that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

National Maritime Union of America, 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 NMU as the exclusive bargaining representative of employees engaged in unlicensed occupations until the NMU has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicated that the NMU 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

The NMU requests a unit comprising all of the employees on the vessels of the Company who are engaged in unlicensed occupations. The Company does not contest the appropriateness of the proposed unit.

We find that all employees engaged in unlicensed occupations on the vessels of the Company, including watchmen and stewards, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.<sup>3</sup>

<sup>2</sup> The Field Examiner reported that the NMU submitted 38 authorization cards; that there were 50 employees in the appropriate unit; and that the cards were dated 1 in June 1944, 2 in July 1944, 4 in August 1944, 19 in October 1944, and 12 undated. None of the cards was dated in the usual sense, the dates referred to being the postmark date used in mailing them to the NMU. Those designated as undated were not sent through the mail.

<sup>3</sup> This is substantially the same unit as was found appropriate by the Board in *Matter of Hillman Transportation Company*, 29 N. L. R. B. 332. In that case the Board included mates in the appropriate unit. At the time, mates were not required to be licensed, as they now are. See also *Matter of Brown and Company, et al.*, 59 N. L. R. B. 285.

## 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 Hillinan Transportation Company, Pittsburgh, Pennsylvania, 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 Sixth 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 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 National Maritime Union of America, CIO, for the purposes of collective bargaining.