

IN the Matter of BETHLEHEM STEEL COMPANY, SHIPBUILDING DIVISION
(BOSTON YARDS) and INDUSTRIAL UNION OF MARINE & SHIPBUILDING
WORKERS OF AMERICA (C. I. O.), LOCAL 25

Case No. 1-R-2208.—Decided January 25, 1945

Mr. Gerald J. Reilly, of Bethlehem, Pa., for the Company.

Mr. Ernest Tuberosa, of Boston, Mass., for the Union.

Mr. Herbert C. Kane, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by Industrial Union of Marine & Shipbuilding Workers of America (C. I. O.), Local 25, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Bethlehem Steel Company, Shipbuilding Division (Boston Yards), Boston, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Leo J. Halloran, Trial Examiner. Said hearing was held at Boston, Massachusetts, on January 4, 1945. 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. At the hearing, the Company made two motions to dismiss the petition for the reasons that the proposed unit is inappropriate and that the Board has no jurisdiction in this case. The Trial Examiner reserved ruling on these motions for the Board. For the reasons appearing in Section IV, below, the motions are hereby denied. 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

Bethlehem Steel Corporation is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. The Shipbuilding Division of the Company operates two yards, the Atlantic Yard and the Simpson Yard, at Boston, Massachusetts, engaged in the conversion and repair of vessels, most of such work being done for the United States Government under contract with the United States Army, United States Navy, and United States War Shipping Administration. During the calendar year 1944, the aggregate value of all materials used by the Company in the conversion of, and repair of vessels at these yards was in excess of \$1,000,000, of which over 60 percent was delivered to the yards from points outside the Commonwealth of Massachusetts, and more than 75 percent was used in the conversion and repair of vessels for 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

Industrial Union of Marine & Shipbuilding Workers of America, Local 25, 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 its employees 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.

¹The Field Examiner reported that the Union submitted 18 membership applications; that there were approximately 30 employees in the unit petitioned for; and that the cards were dated 10 in November 1944, 1 in December 1944, and that 7 were undated.

IV. THE APPROPRIATE UNIT

The Union requests a unit comprising all timekeepers in the production and maintenance departments of the Company's Boston Yards, excluding the chief timekeeper and the assistant chief timekeeper. The Company contends that timekeepers are an essential part of management and do not constitute employees within the meaning of the Act.

The duties of the timekeepers are concerned with the compiling of information relating to the attendance and hours of employment of the production and maintenance employees. Upon the information given by the timekeepers, other departments of the Company are enabled to prepare pay rolls and to allocate labor costs of the various contracts. The record does not disclose that they are charged with any administrative discretion nor that they have been entrusted with any degree of managerial authority. Accordingly, we find that a unit consisting of timekeepers is appropriate for the purposes of collective bargaining.²

We find that all timekeepers in the production and maintenance department of the Company's Boston Yards, excluding the chief timekeeper and the assistant chief timekeeper, 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 recommended 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 Bethlehem Steel

² See *Matter of Bethlehem Fairfield Shipyard, Incorporated*, 59 N. L. R. B. 602, and cases cited therein.

Company, Shipbuilding Division (Boston Yards), Boston, Massachusetts, 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 First 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 Industrial Union of Marine & Shipbuilding Workers of America (C. I. O.), Local 25, for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.