In the Matter of ALLIED CHEMICAL & DYE CORPORATION (SOLVAY PROCESS DIVISION), EMPLOYER *and* INTERNATIONAL HOD CARRIERS, BUILDING AND COMMON LABORERS UNION OF AMERICA, AFL, LOCAL 1367, PETITIONER *and* INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 520, AFL, PETITIONER *and* INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, AFL, LOCAL 50, PETITIONER

Cases Nos. 14–RC–682, 14–RC–686, and 14–RC–689.—Decided December 12, 1949

DECISION

AND

DIRECTION OF ELECTIONS

Upon separate petitions duly filed, a consolidated hearing was held before Milton O. Talent, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.[1]

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Houston and Reynolds].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. International Hod Carriers, Building and Common Laborers Union of America, AFL, Local 1367, herein called Hod Carriers; International Union of Operating Engineers, Local 520, AFL, herein called Operating Engineers; and International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL, Local 50, herein called Teamsters, are labor organizations claiming to represent employees of the Employer.

[1] The hearing officer referred to the Board the Employer's motions to dismiss the petitions herein, or in the alternative, to modify the petition in Case No. 14–RC–682. For reasons hereinafter stated these motions are denied.

3. Questions affecting commerce exist concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The Hod Carriers seeks a unit of all production and maintenance employees, including scalers, crusher feeders, car cleaners and patchers, jackhammer men, powder men, drillers, switchmen, bin and chute men, baggers, screen men, carloaders, pitmen, general maintenance men, mill laborers, all other laborers and all other helpers and relief men in any of the above classifications, excluding machine operators and truck drivers.

The operators of power shovels, crane operators, Diesel locomotive operators, Diesel power plant engineers, bulldozer operators, plant operators, crusher operators, oilers, relief men in any of the above classifications and operators of all other machines, excluding all other employees.

The Teamsters seeks a unit of all drivers or chauffeurs, excluding all other employees of the Company.

The Employer is engaged in mining and selling limestone at its operation in Prairie du Rocher, Illinois. It purchased its mine from the Columbia Quarry Company, herein called Columbia, in November 1948. From 1941 to the date of the sale, Columbia and the Petitioners negotiated separate collective bargaining agreements for each of the units above described. A short time after the purchase, the Petitioners made their demand for recognition upon the Employer for the same units previously bargained for with Columbia. The Employer refused recognition contending then, as it does now, that the Petitioners' units are inappropriate and that only a plant-wide production and maintenance unit is appropriate.

The Petitioners, relying on an 8-year prior history of collective bargaining with Columbia, contend that the units historically established at the Employer's plant should not be disturbed. We agree with the Petitioners' contentions. No labor organization seeks these employees on a broader basis. The present operations at the mine are substantially the same as when they were conducted by Columbia. The equipment, the employees, and substantially the same conditions of employment pertain now as previously. Moreover, the Employer has to a certain extent observed the departmental lines established by the Petitioners' contracts with Columbia, as evidenced by a reduction in force statement of policy issued in April 1949, which recognized the existence of the three departments which the Petitioners seek herein. The statement of policy set up seniority for all employees on a departmental as well as a plant-wide basis. Furthermore, despite common supervision of all the employees of all three departments, there has

been no substantial interchange of employees from one department to an other except on a permanent basis.

From the foregoing facts, we conclude that where, as here, employees have bargained collectively for a long period of time along well-defined departmental lines, a subsequent change of ownership, without substantial change in operations, is not of itself sufficient cause for disrupting the desires of employees whose interests have long been divorced from one another.[2] Accordingly, we find the units sought by the Petitioners are appropriate for purposes of collective bargaining.

We find that the following employees of the Employeer constitute units appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act, excluding in each case office and clerical employees, guards, professional employees, and supervisors as defined in the Act:

(a) All production and maintenance employees, excluding machine operators and truck drivers;

(b) All machine operators including crane, power shovel, Diesel locomotive, bulldozer, plant and crusher operators, Diesel power plant engineers, oilers and/or pitmen,[3] relief men in any of the above classifications, excluding all other employees; and

(c) All drivers or chauffeurs of the Employer, excluding all other employees.

DIRECTION OF ELECTIONS

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, separate elections by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations, among the employees in the voting groups described in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Elections, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, 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, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not:

---

[2] Cf. *Illinois Cities Water Company*, 87 NLRB 109.

[3] It appears from the record that oilers and/or pitmen act as relief men for machine operators. Under the circumstances we find their interests are more closely allied with the interests of the machine operators; we shall, therefore, include them in the unit.

(a) All employees in group (a) desire to be represented, for purposes of collective bargaining, by International Hod Carriers, Building and Common Laborers Union of America, AFL, Local 1367;

(b) All employees in group (b) desire to be represented, for purposes of collective bargaining, by International Union of Operating Engineers, Local 520 AFL; and

(c) All employees in group (c) desire to be represented, for purposes of collective bargaining, by International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL, Local 50.