

In the Matter of ALLIED MILLS, INC., EMPLOYER *and* INTERNATIONAL  
UNION OF OPERATING ENGINEERS, LOCAL NO. 149, A. F. L., PETITIONER

*Case No. 14-RC-1000.—Decided May 23, 1950*

DECISION  
AND  
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Harry G. Carlson, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. At the hearing, American Federation of Grain Millers, A. F. L., herein called the Intervenor, moved to dismiss the petition on the ground that the unit sought is inappropriate. In the alternative, the Intervenor moved to consolidate this case with Case No. 14-RC-811<sup>1</sup> in which, on January 27, 1950, the Board found appropriate a unit limited to employees in the Employer's plant at 17th and Brady Avenue, East St. Louis, Illinois, hereinafter referred to as the old plant; and to amend the certification of the Intervenor as bargaining representative of the employees at the old plant to include the employees at the new plant involved herein. For the reasons given in paragraph 4, below, the motions are hereby denied.

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 Reynolds and Styles].

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. The labor organizations involved claim to represent certain employees of the Employer.
3. A question affecting commerce exists 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.

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<sup>1</sup> Unpublished.

4. The Petitioner seeks to represent a unit of production employees at the Employer's Kingshighway, East St. Louis, plant, excluding office, clerical, laboratory, and professional employees, stationary engineers, carpenters, millwrights, electricians, salesmen, buyers, guards, and supervisors. The Intervenor contends that a unit limited to the Kingshighway plant is inappropriate. The Employer agrees with the unit sought by the Petitioner.

The Employer manufactures livestock and poultry feeds at, among other places, two mills about 7 miles apart in East St. Louis, Illinois. One mill is on Brady Avenue, the other is on Kingshighway. The Kingshighway mill is a new plant which started operations in January 1950. For the most part, the new and old plant manufacture different kinds of animal feeds. The equipment that they use is different. Employees for the new plant have been hired directly from the outside. There is no interchange of employees between the plants.

In 1948, following an election, the Board certified the Intervenor as bargaining representative of the employees in the Brady Avenue plant. In 1949, another union, International Longshoremen's Association, A. F. L., petitioned to represent the Brady Avenue plant employees. At the hearing, the Employer testified that a new plant was being built on Kingshighway. The Longshoremen then moved to amend its petition to include the employees of this new plant. The Intervenor objected. In its decision, the Board excluded the employees of the new plant. The Intervenor won the Board-directed election and in February 1950, was certified as the representative of the Brady Avenue plant employees. In its alternate motion, the Intervenor now seeks to have the Board include in its existing unit, without a vote, those employees whom it objected to permitting to vote in the 1950 election. In view of the Board's action in excluding the Kingshighway plant employees from the Brady Avenue unit, it would clearly be improper now to include them in that unit without a vote.

The separate unit of Kingshighway plant production employees may be an appropriate unit, we believe, because of the geographical separation of this plant from the Brady Avenue plant, the separate processes and noninterchange of employees, and particularly the history of elections and bargaining on a single-plant basis. On the other hand, an Employer-wide unit may also be appropriate.

We shall therefore direct an election in the following voting group. If a majority of the employees in the new plant vote for the Intervenor they will be taken to have indicated their desire to be part of an Employer-wide unit, and the Intervenor may bargain for them as part of its existing unit.

All production employees at the Employer's plant at Kingshighway and St. Clair Avenue, East St. Louis, Illinois, excluding office, clerical, professional, and laboratory employees, stationary engineers, carpenters, millwrights, electricians, salesmen, buyers, guards, and supervisors as defined in the Act.

#### DIRECTION OF ELECTION <sup>2</sup>

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election 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 unit found appropriate in paragraph numbered 4, above, who were employed during the payroll period immediately preceding the date of this Direction of Election, including employees who did not work during said payroll 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 they desire to be represented, for purposes of collective bargaining, by International Union of Operating Engineers, Local No. 149, A. F. L., or by American Federation of Grain Millers, A. F. L., or by neither.

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<sup>2</sup> Either participant in the election directed herein may, upon its prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot.