

In the Matter of PENNSYLVANIA SALT MANUFACTURING COMPANY and  
DISTRICT 50, UNITED MINE WORKERS OF AMERICA

*Case No. 4-R-1655.—Decided April 4, 1945*

*Mr. V. K. O'Connor*, of Philadelphia, Pa., and *Messrs. C. S. Beldin*  
and *C. L. Blake*, of Easton Pa., for the Company.

*Messrs. Angelo Cefalo* and *Peter Sedor*, of Philadelphia, Pa., for  
the Union.

*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition and amended petition duly filed by District 50, United Mine Workers of America, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Pennsylvania Salt Manufacturing Company, Easton, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Geoffrey J. Cunniff, Trial Examiner. Said hearing was held at Easton, Pennsylvania, on March 9, 1945. The Company and the Union appeared, participated, and 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Pennsylvania Salt Manufacturing Company is a Pennsylvania corporation operating a plant at Easton, Pennsylvania, where it is  
61 N. L. R. B., No. 39:

engaged in the manufacture and sale of heavy chemicals. During 1944 the Company purchased raw materials for use at its Easton plant valued at about \$664,000, approximately 75 percent of which was shipped to it from points outside the Commonwealth of Pennsylvania. During the same period the Company sold products from its Easton plant valued at about \$2,000,000, 82 percent of which was shipped to points outside the Commonwealth of Pennsylvania.

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

## II. THE ORGANIZATION INVOLVED

District 50, United Mine Workers of America, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as 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.<sup>1</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 Union urges that all production and maintenance employees at the Easton plant of the Company, including truck drivers and shipping employees, but excluding office clerical employees, laboratory and technical employees, guards, watchmen, superintendents, and foremen, constitute an appropriate unit. The only controversy with respect to the unit concerns shift leaders. The Company would include them in the unit.

The Company employs eight persons classified as shift leaders. Each of the shift leaders works with two or three other employees. They spend substantially all of their time performing manual labor and are the most experienced and most skilled employees in the plant. The record indicates that the shift leaders have no authority to make effective recommendations which would in any way affect the welfare

<sup>1</sup> The Field Examiner reported that the Union presented 49 authorization cards. There are approximately 108 employees in the appropriate unit.

of the employees working with them. We shall, accordingly, include them in the unit.

We find that all production and maintenance employees at the Easton plant of the Company, including truck drivers, shipping employees, and shift leaders, but excluding office clerical employees, laboratory and technical employees, guards, watchmen, superintendents, foremen, 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 Pennsylvania Salt Manufacturing Company, Easton, Pennsylvania, an election by secret ballot shall be conducted as early as possible, but not later than sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fourth 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 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 District 50, United Mine Workers of America, for the purposes of collective bargaining.