

In the Matter of BETHLEHEM STEEL COMPANY (SHIPBUILDING DIVISION) and INTERNATIONAL FEDERATION OF ARCHITECTS, ENGINEERS, CHEMISTS, AND TECHNICIANS, CHAPTER 205, CIO

Case No. 21-R-2529.—Decided April 13, 1945

O'Melveny & Myers, by *Homer I. Mitchell*, of Los Angeles, Calif., for the Company.

Mr. Sanford Goldner, of Los Angeles, Calif., for the Union.

Mr. Paul Bisgyer, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by International Federation of Architects, Engineers, Chemists, and Technicians, Chapter 205, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Bethlehem Steel Company (Shipbuilding Division), Terminal Island, San Pedro, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George H. O'Brien, Trial Examiner. Said hearing was held at Los Angeles, California, on February 5, 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. 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. At the hearing the Company moved to dismiss the petition herein on the ground that the proposed unit was inappropriate. The motion was referred to the Board. For reasons hereinafter appearing, the motion is hereby granted.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Bethlehem Steel Company is a Pennsylvania corporation having offices for its Shipbuilding Division in New York City. At its ship-

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yard at Terminal Island, San Pedro, California, with which we are solely concerned, the Company's Shipbuilding Division is engaged in the construction, repair, alteration, and conversion of ships. During 1944, materials used in its operations at said shipyard exceeded \$1,000,000 in value, of which more than 90 percent was obtained from sources outside the State of California. During the same period, the value of the work performed in said shipyard exceeded \$1,000,000, of which more than 90 percent related to work performed on ships destined for use in interstate and foreign commerce or 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

International Federation of Architects, Engineers, Chemists, and Technicians, Chapter 205, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The Union petitions for a unit of all non-supervisory employees in Department 22 at the Company's San Pedro yard. Included therein are order leadingmen, order clerks, draftsmen, tracers, learners, typists, stenographers, clerks, file clerks, a secretary and 2 engineers. The Company contends that the proposed unit is inappropriate for collective bargaining purposes.

For the performance of its functions, Department 22 is divided into an order section, and a drafting section, each under an engineer responsible to the chief draftsman. The order section requisitions for construction of new vessels materials listed on blueprints received from the naval architect. The drafting section is concerned with making minor corrections and alterations on blueprints which become necessary during the course of construction. There are approximately 49 employees in Department 22 engaged in different types of work. Order leadingmen and order clerks formulate the orders for materials; draftsmen perform the technical work of correcting and altering blueprints; and the remaining employees are engaged in miscellaneous clerical duties.

Employed in other departments of the San Pedro yards are persons whom the Union would exclude although they perform comparable work and, apparently, are not represented by any labor organization.¹

¹ Production and maintenance employees are presently represented by Industrial Union of Marine and Shipbuilding Workers of America, and Local 9 thereof.

In the old warehouse, which is part of the Stores Department, are 3 order clerks whose functions are practically identical with those of order clerks in Department 22, except that they order material for vessels undergoing repairs. The Maintenance Department employs 3 draftsmen who make blueprints, plans and designs pertaining to plant facilities and equipment. In addition, there are approximately 287 clerical employees in other departments.²

Thus, the record indicates that, while the Union would group certain technical and clerical employees in one unit, it would exclude a large number of employees who do similar work and have the same interests. Accordingly, we find that the proposed unit is inappropriate for the purposes of collective bargaining.³

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as we have held in Section III, above, the bargaining unit sought by the Union is inappropriate for the purposes of collective bargaining, we find that no question affecting commerce has arisen concerning the representation of employees of the Company within the meaning of Section 9 (c) of the National Labor Relations Act. We shall, therefore, dismiss the petition.

ORDER

Upon the basis of the above findings of fact, and the entire record in the case, the National Labor Relations Board hereby orders that the petition for an investigation and certification of representatives of employees of Bethlehem Steel Company (Shipbuilding Division), Terminal Island, San Pedro, California; filed by International Federation of Architects, Engineers, Chemists, and Technicians, Chapter 205, CIO, be, and it hereby is dismissed.

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

² The record indicates that there are 211 clerks in both production and non-production departments, 36 stenographers, 10 secretaries, and 30 typists

³ See *Matter of California Shipbuilding Corp.*, 57 N. L. R. B. 1791, and *Matter of Triangle Publications, Inc.*, 40 N. L. R. B. 1330.