

In the Matter of ALUMINUM COMPANY OF AMERICA AND CAROLINA
ALUMINUM COMPANY *and* UNITED MINE WORKERS OF AMERICA,
DISTRICT 50

Case No. 10-R-1290

SUPPLEMENTAL AND AMENDED DECISION

April 26, 1945

On March 31, 1945, the Board issued its Decision and Direction of Election in the above matter.¹ Thereafter, on April 18 and 20, 1945, the parties entered into a stipulation stating that since the date on which the hearing herein was held, the Company sold, conveyed, and transferred to the Knoxville Power Company, a Tennessee corporation, and a subsidiary of the Aluminum Company of America, the powerhouse at Calderwood, Tennessee, and the transmission system extending from the North Carolina-Tennessee State line to Alcoa, Tennessee, which powerhouse and transmission lines supply power to the Alcoa Works in connection with the manufacture of aluminum; and that as of the date of said transfer, March 1, 1945, the employees engaged in work at the said powerhouse and on said transmission system, and who were theretofore employees of the Company, became employees of the said Knoxville Power Company. The parties further stipulated that the employees of the said Knoxville Power Company who are known as the Calderwood employees, shall be entitled to vote in the election heretofore ordered to the same extent and under the same conditions and subject to the same limitations as they would have been entitled to vote had they remained employees of the Company, and had such transfer of property and employees from the Company to Knoxville Power Company not been made. Perceiving no reason why the said employees should not be allowed to participate in the election, we accept the stipulation of the parties and shall amend our Decision to conform therewith.

On April 18, 1945, three of the parties herein, District 50, the Steelworkers, and the Company, executed a stipulation setting out the facts relative to certain temporary employees detailed by the United States Government to work in the Alcoa plant. Since the stipulation was not acceptable to the AFL, each of the parties filed with the Board separate statements of its position. No party disputed any of the facts set out in the stipulation; ² none objected to participation in the election

¹ 61 N. L. R. B. 245

² The AFL in its statement waived hearing on the facts agreeing that a hearing would adduce the facts contained in the stipulation.

by the said temporary employees. District 50 and the AFL take the affirmative position that the temporary employees should be allowed to participate; the Company and the Steelworkers ask the Board to decide the issue upon the facts as presented in the Stipulation.

The employees in question have been detailed to the plant for a period of 90 days. Since February 16, 1945, they have been arriving at the plant at the rate of about 300 a month and they will continue to arrive at the rate of about 50 per week until approximately 1,000 persons have been supplied to the plant by the Government. At the same time, employees who have finished the allotted 90 days will be withdrawn from the plant. Although these employees, while they are working for the Company, are covered by both accident compensation insurance and the Old Age Benefits provision of the Social Security Act, receive the same wages as regular employees performing comparable work, and work under the supervision of the same foremen who supervise regular employees, they acquire no seniority rights in regard to future employment in the plant, and no rights of reemployment under the Selective Service Act.

Upon the said facts, we are of the opinion that the employees in question are temporary employees who do not have a sufficient interest in the working conditions in the plant to warrant their participating in the election. Accordingly, we hold them ineligible to vote in the election.

AMENDMENT

In accordance with the above, we hereby amend our Decision and Direction of Election by deleting therefrom the first full paragraph on page 4, defining the appropriate unit, and substituting therefor the following:

We find that all production and maintenance employees at the Alcoa, Tennessee Works of the Company, including employees of the Carolina Aluminum Company, Western Division, at the Santeetlah powerhouse and the Cheoah powerhouse, including maintenance employees at the Santeetlah and Cheoah operations, and employees of Knoxville Power Company, at its Calderwood, Tennessee, powerhouse, and transmission system extending from the North Carolina-Tennessee State line to Alcoa, Tennessee, known as the Calderwood employees, but excluding office employees, watchmen, guards, office janitors, farm and dairy employees, bricklayers, and employees at the brick and tile plant and all 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.