

In the Matter of TODD SHIPYARDS CORPORATION and PATTERN MAKERS
ASSOCIATION OF LOS ANGELES, A. F. L.

Case No. 21-R-2697.—Decided June 30, 1945

Messrs. Frank B. Hawes, Jr., Robert T. Hyink, and S. H. Reynolds,
of San Pedro, Calif., for the Company.

Mr. William F. Jebe, of Los Angeles, Calif., for the Union.

Mr. Bruce C. Heath, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE.

Upon a petition duly filed by Pattern Makers Association of Los Angeles, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Todd Shipyards Corporation, 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 May 3, 1945. The Company and the Union¹ 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Todd Shipyards Corporation is a New York corporation doing business in California and operating the Los Angeles Shipbuilding & Dry

¹ Industrial Union of Marine and Shipbuilders of America, C I O., was served with notice of hearing but failed to appear.

Dock Corporation shipyards. It is engaged in the building and the repair of ships under a contract with United States Navy Department. A considerable amount of the raw materials used by the Company at the San Pedro shipyards is shipped to it from points outside the State of California. The San Pedro yards is the only property of the Company concerned in this proceeding.

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

II. THE ORGANIZATION INVOLVED

The Pattern Makers Association of Los Angeles, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.²

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

We find, in substantial accord with an agreement of the parties, that all pattern makers and pattern makers' apprentices³ employed by the Company at its San Pedro, California, plant, but excluding foremen, and all or 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

At the hearing the Union requested that the unit be certified on the record. Although the Company admitted that the Union "probably" represented all of its pattern makers, it nevertheless desired that the Board

² The Field Examiner reported that the Union submitted three authorization cards dated February 1945; there are three employees in the alleged appropriate unit.

³ Although the Company now employs no pattern makers' apprentices, no reason appears for excluding this category which is customarily included in describing the normal pattern makers' craft unit.

conduct an election. Since the Company does not agree to certification upon the record, we shall, in conformity with the Board's customary practice,⁴ direct that the question concerning representation which has arisen be resolved by 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 Todd Shipyards Corporation at San Pedro, California, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Twenty-first 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 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, to determine whether or not they desire to be represented by Pattern Makers Association of Los Angeles, A. F. L., for the purposes of collective bargaining.

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

⁴ Cf. *Matter of Bohn Aluminum & Brass Corp.*, 41 N. L. R. B. 1012.