

In the Matter of CRUCIBLE STEEL COMPANY OF AMERICA and UNITED
STEELWORKERS OF AMERICA, CIO

Case No. 6-R-1114.—Decided July 10, 1945

Reed, Smith, Shaw, and McClay, by Messrs. Paul J. Winchel and Seward H. French, both of Pittsburgh, Pa., for the Company.

Messrs. John J. Brownlee and Ford Forsythe, both of Pittsburgh, Pa., for the Union.

Miss Helen Hart, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Crucible Steel Company of America, Pittsburgh, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Frank M. Kleiler, Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on May 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 an opportunity to file briefs with the Board.

Upon the entire record in the case,¹ the Board makes the following :

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Crucible Steel Company of America, a New Jersey corporation, owns and operates a plant in Pittsburgh, Pennsylvania, known as the La Belle Works, which is engaged in the manufacture of steel. During 1944, the

¹ Subsequent to the hearing, the parties filed with the Board a stipulation to correct the record in certain respects. The record is corrected accordingly.

Company purchased for use at the La Belle Works raw materials amounting to more than \$1,000,000 in value, of which approximately 25 percent originated outside the Commonwealth of Pennsylvania. During the same year, La Belle Works produced materials amounting to more than \$1,000,000 in value, of which in excess of 50 percent 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

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, 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.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit alleged to be 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 UNITS

The Union, now representing the production and maintenance employees at the Company's La Belle Works, contends that a unit consisting of all office, clerical, and technical employees at that plant, excluding confidential and supervisory employees, is appropriate. The Company opposes this position maintaining that technical employees should be represented in a unit separate from office and clerical employees.

There are eight technical employees at the Company's La Belle Works. Seven of these technical employees work in either the chemical or metallurgical laboratory, both of which are located on the second floor of the Pittsburgh Warehouse, a building which houses only one other department, the shipping office on the second floor. Each laboratory is under separate supervision and the head of each laboratory reports directly to the plant manager. Although the principal occupation of the chemists and analysts in the chemical laboratory and the metallurgical technicians in the metallurgical laboratory is testing for production control, they also do research work. It is clear that they possess technical skills. There is no interchange

² The Field Examiner reported that the Union submitted 33 authorization cards, 27 of which bore signatures of employees listed on the Company's pay roll of March 1, 1945, and that there are 56 employees in the alleged appropriate unit.

of office and clerical employees and these seven technical employees, and the training and job qualifications of each group are distinct. The Company also employs one draftsman at the La Belle Works whom the Union seeks to include in the unit as a technical employee. The draftsman works in the master mechanic's office which is located in the general office building. He works under the immediate supervision of the master mechanic, making lay-outs, prints for replacing parts, and designing new lay-outs. Although the testimony reveals that the draftsman issues orders to the maintenance men in the plant, it does not indicate that he has the authority to hire, discharge, or discipline any employee, or the power effectively to recommend such action.³ It is apparent that the interests and functions of all eight technical employees, including the draftsman, differ from those of office and clerical employees. In view of this fact, and in consideration of the Company's objection to the inclusion of the two groups within a single unit, we shall adhere to our customary practice,⁴ finding that the technical employees of the Company's La Belle Works, including the draftsman, constitute a separate, appropriate unit.

The Company and the Union disagree on the inclusion in the unit of certain office and clerical employees. The Company seeks to exclude from the unit as "confidential employees" two secretaries to the Chief Clerk, whereas the Union asks for their inclusion. Both the women are classified as stenographers and occupy the same office as the Chief Clerk. The Chief Clerk acts as office manager and has full charge of hiring, discharging, and disciplining office and clerical employees. The stenographers are, in fact, secretaries to the Chief Clerk, and they have the duty of keeping the personnel files in order. They also take dictation for letters and inter-office memoranda concerning labor relations. In the normal course of their work, these secretaries obtain confidential information directly related to the labor policies of the Company and we shall, therefore, exclude them from the unit.⁵

The status of four employees, two order clerks in the order and scheduling division,⁶ an inventory clerk⁷ and a production clerk,⁸ is in dispute. The Union seeks to include them in the unit, while the Company opposes this view claiming they are supervisory employees.

The 2 order clerks in question are employed in the Lower Mill Office with about 15 other clerks. The manager of this department testified that, in his absence, 1 of the order clerks⁹ performs the supervisory duties in the office, and if both he and this order clerk are not present, the second

³ The Company did not state at the hearing that the draftsman was a supervisory employee and should be excluded from the unit, but raised the issue for the first time in its brief.

⁴ See *Matter of Spicer Manufacturing Corp.*, 55 N L R B 1491.

⁵ See *Matter of American Can Company*, 55 N L R B 530.

⁶ A E Vandegrift and Dale Ashlin.

⁷ C D Peace.

⁸ W. M Kay.

⁹ Vandegrift.

order clerk in dispute takes over the functions of office supervisor. Both order clerks stated, however, that they were unaware of their alleged supervisory authority and that they had never recommended the hiring, discharging, or disciplining of an employee. It appears from the record that neither of these men is regularly in charge of the office and that they take charge only on rare occasions. Moreover, it does not appear that, when they do act for the manager in his absence, they exercise supervisory authority within the meaning of our customary definition. Therefore, we shall include them in the unit.

The inventory clerk is in direct charge of "raw materials and finished steel inventories," and the production clerk compiles all production figures for the entire plant. Both are directly responsible to the Chief Clerk in the general office. The inventory clerk has three people under his supervision and the production clerk has two; both men receive a salary at least 15 percent higher than that of the men under them. The uncontradicted testimony of the Chief Clerk revealed that both make frequent, effective recommendations in regard to hiring, discharging, transferring, or promoting their subordinates. Therefore, we shall exclude them from the unit.

We find that the following groups of employees of the Company at its La Belle Works constitute units appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act:

(1) All office and clerical employees,¹⁰ excluding confidential employees¹¹ 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,¹²

(2) All technical employees, excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by elections by secret ballot among the employees in the appropriate units who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTIONS

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

¹⁰ Including A. E. Vandegrift and Dale Ashlin, two order clerks in the Lower Mill Office.

¹¹ Including the two secretaries to the Chief Clerk.

¹² Including the inventory clerk and production clerk.

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Crucible Steel Company of America, Pittsburgh, Pennsylvania, elections 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 Sixth 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 units 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 elections, to determine whether or not they desire to be represented by United Steelworkers of America, CIO, for the purposes of collective bargaining.

CHAIRMAN HERZOG took no part in the consideration of the above Decision and Direction of Elections.