In the Matter of PRESSED STEEL CAR COMPANY, INC. *and* PRESSED STEEL CAR COMPANY, INC., OFFICE EMPLOYEES UNION, AFFILIATED WITH THE NATIONAL FEDERATION OF SALARIED UNIONS

Case No. 6-R-1138.—Decided August 27, 1945

Mr. Charles M. Thorp, Jr., of Pittsburgh, Pa., and *Mr. J. C. Brown*, of Chicago, Ill., for the Company.

Mr. R. W. Allison, of Pittsburgh, Pa., *Mr. H. C. Jones*, of East Pittsburgh, Pa., and *Mr. Gene A. Van Dalsen*, of Laurel Gardens, Pa., for the Independent.

Mr. Walter Bachowski, of McKees Rocks, Pa., for the CIO.

Mr. Bernard Goldberg, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Pressed Steel Car Company, Inc., Office Employees Union, affiliated with the National Federation of Salaried Unions, herein called the Independent, alleging that a question affecting commerce had arisen concerning the representation of employees of Pressed Steel Car Company, Inc., McKees Rocks, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Allen Sinsheimer, Jr., Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on June 7 and 15, 1945. The Company, the Independent, and United Steelworkers of America, C. I. O., herein called the CIO,[1] 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.

[1] The CIO intervened only for the purpose of protecting its interests under a collective bargaining contract with the Company covering the production and maintenance employees. It expressly disclaimed any desire to appear on the ballot in the election ordered, *infra*

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Pressed Steel Car Company, Inc., a Pennsylvania corporation, is engaged in the manufacture of rail, passenger and freight cars, mine cars and equipment at two plants, one in Hegewisch, Illinois, and the second in McKees Rocks, Pennsylvania. This proceeding is concerned only with the McKees Rocks plant. During the past year the Company purchased for use at the McKees Rocks plant, raw materials valued at more than $5,000,000, of which in excess of 50 percent was received from outside the Commonwealth of Pennsylvania. During the same period, the Company manufactured at this plant finished products valued at more than $5,000,000, of which in excess of 50 percent was shipped outside the Commonwealth.

The Company admits, for the purpose of this proceeding, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

Pressed Steel Car Company, Inc., Office Employees Union, affiliated with the National Federation of Salaried Unions, and United Steelworkers of America, affiliated with the Congress of Industrial Organizations, are labor organizations admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to recognize the Independent as the exclusive bargaining representative of any of its employees unless and until the Independent has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Independent 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 accord with the agreement of the parties, that all office, clerical, technical and professional employees of the Company at its

[2] The Field Examiner reported that the Independent submitted 295 authorization cards, of which 269 were dated between March and May 1945, and 26 were undated, and that there were 350 employees in the appropriate unit.

McKees Rocks, Pennsylvania, plant, including all employees listed on Appendix A attached hereto, but excluding all personnel and employment department employees, all grievance board office employees, all employees listed on Appendix B attached hereto, and all 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 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 Pressed Steel Car Company, Inc., McKees Rocks, Pennsylvania, 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 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 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 the 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 Pressed Steel Car Company, Inc., Office Employees Union, affiliated with the National Federation of Salaried Unions, for the purposes of collective bargaining.

APPENDIX A

Junior General Clerks
Junior Special Clerks
Clerks
Check Clerks
Junior Clerks
Typists
Learner Stenographers
Junior Stenographers
Junior Stenographer Clerks
Tabulating Operators
Junior Key Punch Operators
Senior Key Punch Operators
Senior Time Checkers
Junior Time Checkers
Check Clerks
Senior Stenographers
Senior Stenographer Clerks
Engineering Clerks, Senior
Engineering Clerks, Junior
Draftsmen, Senior
Draftsmen, Junior
Draftsmen, Learners
Tracers
Senior Estimators
Junior Estimators
Learner Estimators
Junior Checkers
Senior Blueprinters
Junior Blueprinters
Photostat Operators
Chemists
Senior Telephone and Telegraph Operators
Junior Telephone and Telegraph Operators
Multigraph Operators
Multigraph Learners
Receptionists
Messengers
Office Boys
Senior Shop Clerks
Junior Shop Clerks
Learner Shop Clerks
Schedulers
Assistant Schedulers
Senior Checkers
Assistant Buyers
Expeditors
Junior Supervisors [3]
Buyers [4]
Junior Technical Clerk [5]
Senior Special Clerks [6]

APPENDIX B

Senior Supervisors
Senior Technical Clerks
Senior General Clerks
Drafting Supervisors
Estimating Supervisors
Inspecting Supervisors
Employment Agents
Tabulating Supervisors
Junior Supervisors,[7]
Senior Estimators
Supervisor of Voucher Department
Supervisor of Cost Department
Supervisor of Domestic Billing Department
Buyers,[8]
Secretary to Asst. Manager of Export

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[3] A T Kinkle only All other junior supervisors are excluded

[4] R E Mushrush, E M Wrenshall, and D F Lane only All other buyers are excluded

[5] All such clerks are included except W R Scott, Supervisor of Domestic Billing Department, who is excluded

[6] All such clerks are included except H P Dekerman Supervisor of Voucher Department, and M B Brede, Supervisor of Cost Department, who are excluded

[7] Except A T Kinkle

[8] H R Catley and I L McConnell

Secretary to Works Manager
Secretary to Supt. Lift Truck
Secretary to Chief Accountant
Secretary to Supt. Industrial Division
Secretary to Supt. Wood Car Department
Secretary to Purchasing Agent
Secretary to Supt. Shell Shop
Secretary to Supt. Freight Car Department
Secretary to Plant Engineer
Secretary to Gen. Purchasing Agent
Secretary to Chief Inspector
Secretary to Chief Engineer
Secretary to Mech. Supt.
Secretary to Vice President—Export Div.
Secretary to Traffic Manager
Storekeepers
Shippers
Assistant Shippers
Senior Material Checkers
Junior Material Checkers
Storeroom Attendants
Steel Chasers
Matrons
Elevator Operators
Janitors
Inspectors