

In the Matter of JONES & LAUGHLIN STEEL CORPORATION, VESTA-SHANNOPIN COAL DIVISION and LOCAL No. 345, UNITED CLERICAL, TECHNICAL, AND SUPERVISORY EMPLOYEES UNION OF THE MINING INDUSTRY, DIVISION OF DISTRICT 50, UNITED MINE WORKERS OF AMERICA

*Case No. 6-R-1168.—Decided September 8, 1945*

*Mr. W. W. Harvey*, of Pittsburgh, Pa., for the Company.

*Mr. John McAlpine*, by *Mr. Samuel Krinsky*, of Pittsburgh, Pa., for the Union.

*Mr. David V. Easton*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Local No. 345, United Clerical, Technical, and Supervisory Employees Union of the Mining Industry, Division of District 50, United Mine Workers of America, herein called the Union, duly filed a first amended petition alleging that a question affecting commerce had arisen concerning the representation of employees of Jones & Laughlin Steel Corporation, Vesta-Shannopin Coal Division, Pittsburgh, Pennsylvania, herein called the Company. On June 22, 1945, before a hearing was held, the Company and the Union entered into a "STIPULATION." The stipulation provided, *inter alia*, as follows:

2. This stipulation and attached petition shall constitute the entire record in connection with this petition in lieu of a hearing under provisions of Section 9 (c) of the Act and Article III of the Rules and Regulations of the Board, and the Company and the Union hereby expressly waive hearings and notice thereof. Upon this stipulation the Board may take whatever action it decides is appropriate.

By order dated July 7, 1945, the Board transferred to and continued before it the instant proceeding.

Upon the basis of the first amended petition, the stipulation, and the entire record in the case, the Board makes the following:

63 N. L. R. B., No. 124.

## FINDINGS OF FACT

## I. THE BUSINESS OF THE COMPANY

Jones & Laughlin Steel Corporation is a Pennsylvania corporation engaged in the manufacture and sale of iron and steel products. It operates plants in Pittsburgh and Aliquippa, Pennsylvania, and Cleveland, Ohio. On July 26, 1941, Vesta Coal Company and Shannopin Coal Company, which prior to that date were wholly owned subsidiaries of Jones & Laughlin Steel Corporation, were merged with that corporation. By virtue of the merger, Jones & Laughlin Steel Corporation became engaged in the mining of coal in Washington and Greene Counties, Pennsylvania, through its Vesta-Shannopin Coal Division. The Vesta-Shannopin Coal Division, with general mine offices at California, Pennsylvania, operates Vesta Mines Nos. 4, 5, and 6, and the Shannopin Mine. Practically all the coal mined, weighed, and loaded at these mines is transported via river tows, either to Jones & Laughlin Steel Corporation's Pittsburgh Works or to its Aliquippa Works. During the year 1944, the Vesta-Shannopin Coal Division mined more than 3,000,000 tons of coal, all of which was used at the Company's plants at Pittsburgh and Aliquippa.

During the last 12-month period, the value of raw and other materials used by Jones & Laughlin Steel Corporation at its Pittsburgh and Aliquippa plants was in excess of \$25,000,000, of which at least 50 percent originated outside the Commonwealth of Pennsylvania. During the same period, the value of the finished products of the Pennsylvania plants was in excess of \$100,000,000, of which more than 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

Local No. 345, United Clerical, Technical, and Supervisory Employees Union of the Mining Industry, Division of District 50, United Mine Workers of America, 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 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 of the Board, attached to the stipulation, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

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

In accordance with the agreement of the parties, we find that all clerical and technical employees of the Company at Vesta Mines Nos. 4, 5, and 6, the Shannopin Mine, and the Company's general mine office at California, Pennsylvania, excluding confidential secretaries, weighmasters, assistant weighmasters, weighmasters' clerks, transitmen, chief clerks, chief supplies clerk, engineers, the chief engineer, 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 Jones & Laughlin Steel Corporation, Vesta-Shannopin Coal Division, Pittsburgh, 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 Na-

<sup>1</sup>The Field Examiner reported that the Union submitted 49 designations, of which 40 bore the names of persons listed upon the Company's pay roll, and that there were 52 employees in the appropriate unit.

tional 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 any who have since quit or been discharged for cause and have not been re-hired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by Local No. 345, United Clerical, Technical, and Supervisory Employees Union of the Mining Industry, Division of District 50, United Mine Workers of America, for the purposes of collective bargaining.