

In the Matter of A. J. STAMPFEL and DISTRICT 50, UNITED MINE
WORKERS OF AMERICA

Case No. 17-R-1220.—Decided March 7, 1946

Mr. A. J. Stampfel, of Rifle, Colo., for the Company.

Messrs. Fred K. Heffler and Frank N. Price, of Denver, Colo., for the Union.

Mr. Herbert C. Kane, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by District 50, United Mine Workers of America, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of A. J. Stampfel, Rifle, Colorado, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Howard W. Kleeb, Trial Examiner. The hearing was held at Rifle, Colorado, on October 12, 1945. The Company and the Union 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 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

A. J. Stampfel, a sole proprietor of a trucking business with his principal place of business at Rifle, Colorado, is engaged in hauling ore for the United States Vanadium Corporation. All this hauling is done within the State of Colorado. In connection with its business

the Company operates five motor trucks. The Company is classified as a local hauler under a permit of the Public Utilities Commission of the State of Colorado. It is the function of the Company to haul ore, after it has been mined, from the United States Vanadium Corporation mine at Rifle, Colorado, a distance of approximately 15 miles, to a United States Vanadium mill, where it is processed and sacked for shipment. It also hauls ore on behalf of the corporation from the Garfield Vanadium mine to the same mill. All the processed ore is shipped out of the State by the corporation. Between January and June 1945, the Company transported 18,138 tons of vanadium ore from the mines to the mill.

It is apparent from the foregoing facts that the services rendered by the Company to the corporation, which is itself engaged in interstate commerce,¹ form an integrated and coordinated part of the Company's production effort and as such are so closely associated and connected with the flow of interstate commerce as to be entitled to the protection of the Act.

We find, contrary to the contention of the Company, that it is engaged in commerce within the meaning of the Act.

II. THE ORGANIZATION INVOLVED

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 bargaining representative of its truck drivers until the Union 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 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 the agreement of the parties, that all truck drivers of the Company, excluding all supervisory

¹ See *Matter of United States Vanadium Corporation*, 22-R-368; *Matter of United States Vanadium Corporation*, 22-C-575; *Matter of United States Vanadium Corporation*, 17-C-1095.

² The Field Examiner reported that the Union submitted four authorization cards, and that each card bore the name of an employee listed on the Company's pay roll of September 20, 1945.

There are approximately four employees in the appropriate unit.

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 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 A. J. Stampfel, Rifle, Colorado, 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 Seventeenth 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 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 District 50, United Mine Workers of America, for the purposes of collective bargaining.