

In the Matter of PITTSBURG PLATE GLASS COMPANY (COLUMBIA CHEMICAL DIVISION) and INTERNATIONAL UNION OF MINE, MILL AND SMELTER WORKERS, LOCAL 841, C. I. O.

Case No. 20-R-1604.—Decided April 5, 1946

Freston & Files, by *Mr. Arthur Freston*, of Los Angeles, Calif., and *Mr. Ralph E. Lewis*, of Los Angeles, Calif., for the Company.
Mr. William Gately, of Grass Valley, Calif., for the Union.
Mr. Phil E. Thompson, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by International Union of Mine, Mill and Smelter Workers, Local 841, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Pittsburg Plate Glass Company (Columbia Chemical Division), Bartlett, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George A. Yager, Trial Examiner. The hearing was held at Lone Pine, California, on March 5, 1946. 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

Pittsburg Plate Glass Company, a Pennsylvania corporation, in its Glass Division, operates plants located in Oklahoma, West 67 N. L. R. B., No. 10.

Virginia, Ohio, Missouri, Pennsylvania, and California. We are here concerned with its plant at Bartlett, California, where it is engaged in the manufacture of sodium carbonate and borax. During the 6-month period ending November 1945, the value of the materials and supplies received at the Bartlett plant was in excess of \$50,000, of which 3 percent was purchased outside the State of California. During the same period products were sold having a value in excess of \$150,000, of which approximately 15 percent was sold or shipped to points outside the State of California.

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

II. THE ORGANIZATION INVOLVED

International Union of Mine, Mill and Smelter Workers, Local 841, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Union, in November 1945, requested recognition by the Company as the exclusive bargaining agent of certain of the Company's employees. The Company has refused such recognition 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.¹

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 production and maintenance employees of the Company at its Bartlett, California, plant, excluding clerical employees 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, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.²

¹ The Field Examiner reported that the Union submitted 57 authorization cards. There are approximately 60 employees in the appropriate unit.

² The parties agree that the superintendent, assistant superintendent, chief chemist, personnel supervisor, chief engineer, master mechanic, general shift foreman, shift foremen, relief shift foremen, chief accountant, junior accountants, production and pay-roll clerks, stenographers, clerical, clerk-typist, shall be excluded from the appropriate unit.

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 a part of the investigation to ascertain representatives for the purposes of collective bargaining with Pittsburg Plate Glass Company (Columbia Chemical Division), Bartlett, 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 Twentieth 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 International Union of Mine, Mill and Smelter Workers, Local 841, C. I. O., for the purposes of collective bargaining.