

IN the Matter of MOUNTAIN COPPER COMPANY, LTD. and INTERNATIONAL ASSOCIATION OF MACHINISTS FOR AND IN BEHALF OF LOCAL LODGE 1397

Case No. 20-R-1625.—Decided April 22, 1946

Mr. C. Richard Lange, of San Francisco, Calif., for the Company.
Mr. A. C. McGraw, of Oakland, Calif., and *Mr. W. W. Foster*, of Redding, Calif., for the Union.
Mr. Martin T. Camacho, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, for and in behalf of Local Lodge 1397, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of the Mountain Copper Company, Ltd.,¹ Iron Mountain, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John Paul Jennings, Trial Examiner. The hearing was held at San Francisco, California, on March 7, 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

Mountain Copper Company, Ltd., is a corporation organized under the laws of Great Britain, authorized to do and doing business in California, with its principal offices in San Francisco, California.

¹ This is the correct name of the Company as stipulated at the hearing
67 N. L. R. B., No. 77.

The Company's operating properties are located in Shasta County, California, near Matheson, where the Company is engaged in mining, crushing, and milling copper zinc ore and the shipment of copper and zinc concentrates and pyrites.

During 1945, the Company purchased supplies and materials from sources outside the State of California valued at over \$200,000, and during the same period the Company's products were valued at over \$500,000, in excess of 60 percent of which was 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 Association of Machinists, for and in behalf of Local Lodge 1397 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 machine shop employees 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

The Union contends that all employees in the Company's machine shop, excluding supervisory employees, constitute a unit appropriate for the purposes of collective bargaining. The Company denies the appropriateness of the unit urged by the Union and claims that only an industrial unit is appropriate.

The Company's operations consist of an underground mine from which are extracted pyritic ores, and a mill where the ore is crushed and in the case of some of the ore, thereafter treated by flotation process prior to shipment to the smelter. The Company has a separate machine-shop building where most of the employees involved herein work. The machine shop is under the supervision of a machine-shop

² The Field Examiner reported that the Union submitted 16 cards, bearing the names of 14 employees listed on the Company's pay roll, and that the cards are dated November 1945. There are approximately 16 employees in the appropriate unit.

foreman who also supervises other maintenance employees, such as electricians and carpenters, who work in separate shop buildings. Some of the employees involved work outside of the machine shop, but report to and are supervised by the machine-shop foreman. All of the employees claimed by the Union to constitute a separate unit are skilled employees engaged exclusively in the maintenance and repair of mechanical equipment.

A consent election on an industrial basis was held in 1941 at the request of the Shasta County Building and Construction Trades Council, A. F. of L. which resulted in the rejection of the Council. Since that date, no other group has or is at present seeking to represent any employees of the Company.

Although the Company's operations are integrated and, accordingly, an industrial unit might be appropriate, no labor organization is at present seeking such a unit. Moreover, the machine-shop employees constitute a recognized craft group, and the Union has not sought to include in its proposed unit any employees outside that group.

We find that all machine shop employees at the Company's properties near Matheson, Shasta County, California, including the mechanic bus drivers but excluding the machine shop foreman, subforeman, and any 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 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 the Mountain Copper Company, Ltd., Iron Mountain, 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 Association of Machinists, for and in behalf of Local Lodge 1397, for the purposes of collective bargaining.