

In the Matter of ARMCO DRAINAGE AND METAL PRODUCTS, INC., EMPLOYER and INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS AND HELPERS OF AMERICA, A. F. OF L., PETITIONER

Case No. 16-R-1659.—Decided September 4, 1946

Messrs. John Skove and Wendell A. Aldrich, of Houston, Tex., for the Employer.

Mr. Jack B. Rogers, of Houston, Tex., for the Boilermakers.

Messrs. Charles E. Smith, Ted Weiss, and W. H. Trowbridge, of Houston, Tex., for the Steelworkers.

Mr. O. E. McGinnis, of Houston, Tex., for the Ironworkers.

Mr. J. W. Ray, of Houston, Tex., for the I. A. M.

Mr. Melvin J. Welles, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

Upon a petition duly filed, hearing in this case was held at Houston, Texas, on July 9, 1946, before Ramey Donovan, Trial Examiner. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Armco Drainage and Metal Products, Inc., a Delaware corporation, is a subsidiary of American Rolling Mills Company. Its plant at Houston, Texas, which is involved in this proceeding, is engaged in the production of metal culverts, ice cans and buildings. Approximately 76 percent of the materials used in such production is shipped to the plant from points outside the State of Texas, and approximately 25 percent of the finished products is shipped to points outside the State of Texas.

The Employer admits and we find that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America, herein called the Boilermakers, is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

United Steelworkers of America, herein called the Steelworkers, is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

International Association of Bridge, Structural and Ornamental Iron Workers, Local No. 694, herein called the Ironworkers, is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

International Association of Machinists, Local Lodge No. 12, District 37, herein called the I. A. M., is a labor organization claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Boilermakers as the exclusive bargaining representative of employees of the Employer until the Boilermakers has been certified by the Board in an appropriate unit.

We find that a question affecting commerce has arisen concerning the representation of employees of the Employer, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

The Boilermakers seeks a unit of all production and maintenance employees in the tank department, excluding clerical and supervisory employees. The Ironworkers seeks a unit of all production and maintenance employees in the building department, excluding clerical and supervisory employees. The I. A. M. seeks a unit of all employees in the machine shop, including the machinist foreman, but excluding clerical and all other supervisory employees. The Steelworkers, unlike the other parties concerned, seeks an all-inclusive unit of production and maintenance employees throughout the Houston plant, including watchmen, but excluding clerical and supervisory employees. The Employer takes no affirmative position concerning whether there should be one comprehensive unit or separate units. The Employer would, however, exclude the machinist foreman and the watchmen from any unit.

There has been no previous history of bargaining at the Employer's Houston plant, which is, as indicated above, engaged in the production of metal culverts, ice cans, and buildings. The plant is divided into

six departments, namely: the building department, tank department, culvert department, ice can department, machine shop and storeroom. However, all employees in the plant are engaged, generally, in the manufacture of steel products. There is, furthermore, one general superintendent over the entire plant, and seniority is on a plant-wide basis, subject to ability to perform the work.

On the other hand, the tank department, building department, and machine shop are separately located, and each is independently supervised by its own overseer, who is responsible to the general superintendent. Furthermore, there is no interchange of employees among the six departments in the plant except in emergency situations. The employees in the building department¹ sought by the Ironworkers, and the tank department,² sought by the Boilermakers, perform their duties solely in their own department, while the machine shop employees,³ sought by the I. A. M., repair machines throughout the plant, although the bulk of their work is done in the machine shop. Each of these departments is engaged in a separate activity.⁴

Considering the functional integration among the various departments of the Employer's Houston plant, it is clear that all production and maintenance employees throughout the plant could comprise an appropriate unit. We are also of the opinion that the employees in the tank department, the building department, and the machine shop might appropriately be bargained for in separate units. In reaching this conclusion we have considered the absence of a history of collective bargaining on a more extensive basis; the lack of interchange of employees among the various departments in the Houston plant; the separate supervision of the employees in these three departments; and the specialized work performed by these employees. Accordingly, we shall make no final determination of the appropriate unit or units at this time, deferring such determination until the outcome of the elections hereinafter directed among the employees in the tank department, the building department, the machine shop, and a residual production and maintenance group.

There remains for consideration the composition of the machine shop and the residual voting groups. The I. A. M. would include and the Employer would exclude the machinist foreman. Although the

¹ Working in the building department are machine operators, welders, laborers, and helpers, who are engaged in making lay-outs from sketches, operating various machines, shears, presses, bolt threaders, and rolling machines

² Employees in the tank department are welders, lay-out men, rollers, shearers, and helpers.

³ Machine shop employees include a machinist foreman, a machinist specialist, a machinist welder, and two apprentices

⁴ The building department employees are engaged in the manufacture of buildings; the tank department employees, in the manufacture of tanks; and the machine shop employees repair and service machines.

machinist foreman works with the other employees in the shop, he has authority to discharge and discipline employees. He is clearly a supervisory employee within the meaning of the Board's customary definition, and is, in fact, the only supervisory employee in the machine shop. We shall, therefore, exclude him.

Contrary to the Employer's position, the Steelworkers would include the watchmen. It appears that the watchmen, two in number, are neither militarized, deputized, uniformed, nor armed. They serve as gatemen and plant-protection men, and do not exercise monitorial functions. In these circumstances we shall include the watchmen in the residual voting group.

We shall, therefore, direct separate elections among the employees in each of the following groups described below, 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:

Group 1. All production and maintenance employees in the tank department of the Employer's Houston plant.

Group 2. All production and maintenance employees in the building department of the Employer's Houston plant.

Group 3. All production and maintenance employees in the machine shop of the Employer's Houston plant, excluding the machinist foreman.

Group 4. All remaining production and maintenance employees in the Employer's Houston plant, including employees in the culvert department, ice can department and storeroom, and watchmen.

Upon the results of the election in the afore-mentioned groups will depend, in part, our determination of the appropriate unit or units.

DIRECTION OF ELECTIONS

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Armco Drainage and Metal Products, Inc., Houston, Texas, separate elections 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 Sixteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of National Labor Relations Board Rules and Regulations—Series 3, as amended, among the employees in the voting groups described 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 em-

ployees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, (1) to determine whether the employees in Group 1, described in Section IV, above, desire to be represented by International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America, A. F. of L., or by United Steelworkers of America, CIO, for the purposes of collective bargaining, or by neither; (2) to determine whether the employees in Group 2, described in Section IV, above, desire to be represented by International Association of Bridge, Structural and Ornamental Iron Workers, Local No. 694, A. F. of L., or by United Steelworkers of America, CIO, for the purposes of collective bargaining, or by neither; (3) to determine whether the employees in Group 3, described in Section IV, above, desire to be represented by International Association of Machinists, Local Lodge No. 12, District 37, or by United Steelworkers of America, CIO, for the purposes of collective bargaining, or by neither and (4) to determine whether or not the employees in Group 4, described in Section IV, above, desire to be represented by United Steelworkers of America, CIO, for the purposes of collective bargaining.

Mr. JAMES J. REYNOLDS, JR., took no part in the consideration of the above Decision and Direction of Elections.