

In the Matter of WHEELING STEEL CORPORATION and UNITED FOREMEN  
OF AMERICA, LOCAL 1444 (C. I. O.)

*Case No. 8-R-1987*

SUPPLEMENTAL DECISION

AND

DIRECTION

*October 24, 1946*

On July 25, 1946, pursuant to the Decision and Direction of Elections issued herein by the Board on July 1, 1946,<sup>1</sup> elections by secret ballot were conducted under the direction and supervision of the Regional Director for the Eighth Region among the employees in the units found appropriate in the Decision. Upon completion of the elections, Tallies of Ballots were issued and duly served by the Regional Director upon the parties concerned. No objections were filed by any of the parties within the time provided therefor. Inasmuch as it appeared from the Tally in the plant protection supervisors' unit that a collective bargaining representative had been selected, the Board on August 9, 1946, issued a Certification of Representatives therein.

As to the production and maintenance supervisors' unit, however, the Tally showed that, of the approximately 112 eligible voters, 87 cast votes, of which 35 were for, and 27 were against, United Foremen of America, Local 1444 (C. I. O.), and 25 were challenged, and that the counting of the challenged ballots was sufficient to affect the results of the election in this unit. Accordingly, the Regional Director, pursuant to the Board's Rules and Regulations, investigated the challenges. He thereupon issued and duly served upon the parties a Report on Challenged Ballots, dated September 11, 1946, recommending therein that the Board overrule all the challenges. Thereafter, on September 24, 1946, the Employer filed Exceptions to this report and recommendation.

The Employer challenged the ballots of 22 employees, listed in Appendix "A," on the ground that pursuant to a company-wide re-

<sup>1</sup> 69 N. L. R. B. 208 The Board found appropriate therein separate units of plant protection supervisors and production and maintenance supervisors

classification plan, these employees would be divested of their supervisory authority shortly after the election, and therefore should not be permitted to vote in the unit of production and maintenance supervisors. We find no merit in this contention. Inasmuch as it is clear that the employees in issue were production and maintenance supervisors both on the eligibility date fixed in the Decision and Direction of Elections and at the time of the election herein, we are of the opinion that, under established Board policy, these employees were eligible to vote.<sup>2</sup> We shall, therefore, overrule the Employer's challenges and direct that the ballots of the employees listed in Appendix "A" be opened and counted.<sup>3</sup>

The ballots of James Hughes, George Lough, and Michael Pavilky were challenged by the Employer on the further ground that these employees were "picklers," and that such classification was not specifically included by the Board in its unit finding. The Regional Director reports that, on the eligibility date and at the time of the election, these "picklers" were engaged in overseeing the operation of 2 pickling lines; that they were each responsible for the work of approximately 10 subordinates; and that they had authority effectively to recommend the discipline and transfer of their subordinates. He reports further, in effect, that the duties, responsibilities, and authority of "picklers" are closely analogous to those of "leaders" who were included by the Board in the unit found appropriate. In view of the foregoing, and on the entire record in the case, we are of the opinion that the term "leaders" in our unit finding also embraced the job classification "picklers," and, therefore, that the employees in question were eligible to participate in the election. Accordingly, we shall overrule the Employer's challenges and direct that the ballots of James Hughes, George Lough, and Michael Pavilky be opened and counted.

#### DIRECTION

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 Section 203.55 of National Labor Relations Board Rules and Regulations—Series 4, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Wheeling Steel Corporation, Yorkville, Ohio, the Regional Director for the Eighth Region shall, pursuant to the Rules and Regulations of the Board set forth above, within ten (10) days from the date of this Direction, open

<sup>2</sup> In view of our decision herein, we find it unnecessary to pass upon the question whether the employees in issue were, in fact, divested of their supervisory authority after the election.

<sup>3</sup> Cf. *Matter of Manganese Ore Company*, 54 N. L. R. B. 1192.

and count the ballots of James Hughes, George Lough, Michael Pavilky, and the employees listed in Appendix "A," and thereafter prepare and cause to be served upon the parties a Supplemental Tally of Ballots, including therein the count of said challenged ballots.

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

#### APPENDIX A

Fred Annett	Hugh Loftus
Robert J. Bess	Randall L. Lowery
Howard H. Dailey	Thomas Meadows
Arthur Edge	Ira Moore
Edward Evanezyk	Cecil C. Powell
Sam Fabri	Noah Reynolds
Clinton Gibson	Harlan Shriver
William Hill	John Sneddon
Joseph Hosthorne	Howard E. Ulrich
Harold Hughes	Bruno Vinci
Frank Litten	Oscar Wilson