

In the Matter of YOUNGSTOWN SHEET & TUBE COMPANY, EMPLOYER *and*
FOREMAN'S ASSOCIATION OF AMERICA (CHAPTER 39), PETITIONER

Cases Nos. 13-R-3125 and 13-R-3126

SUPPLEMENTAL DECISION

AND

ORDER DENYING MOTIONS TO AMEND

November 12, 1946

On October 4, 1946, the National Labor Relations Board issued a Decision and Direction of Elections in the above-entitled proceedings.¹

On October 9, 1946, the Petitioner filed, and duly served upon the parties, a motion to amend the Decision and Direction of Elections, alleging, in substance, that unit placements of certain enumerated employee categories, hereinafter specified, were erroneously omitted from the Decision and Direction of Elections and requesting that the Board amend the same by including these categories within the appropriate units or voting groups of employees therein set forth.

On October 18, 1946, the Employer filed, and duly served on the parties, a motion requesting that the Board rescind, alter, or amend the Decision and Direction of Elections and stay its Direction of Elections pending action upon the same. On October 21, 1946, the Petitioner filed an opposition to the granting of the Employer's motion.

A. The Petitioner's motion

The Petitioner alleges that, in the Decision and Direction of Elections noted above, the Board made no unit finding respecting stationery-messenger foreman (73 N),² foremen in the chipping department,³ and general foreman, 10'' skelp mill (27 C), assistant maintenance foreman, hot strip,⁴ and assistant maintenance foreman, rolling

¹ 71 N. L. R. B., 219.

² The numbers following job categories denote the Employer's exhibits in which appear the job descriptions of the several employee categories concerned.

³ These employees include the following: General foremen, steel side (20 B); general foreman, tin mills (20); turn foreman, hot strip (20 A); turn foreman, merchant mills (20 C); turn foreman, billet-dock (20 D); turn foreman, job shop (20 E).

⁴ The Employer furnished no written job description for this category of employment.

71 N. L. R. B., No. 104.

mills (70 B), although all of these employee categories were included in its proposed bargaining unit.

In our decision we included the stationery-messengers foreman (73 N) in the unit for supervisors of clerical employees, and we included employees in the chipping department in the residual voting group for foremen of production and maintenance workers.

No employees in the remaining categories were listed on the pay roll at the time of the hearing. The position of general foreman, 10'' skelp mill (27 C) was recently abolished. The position of assistant maintenance foreman (hot strip), as formerly constituted, will not be reestablished. The Employer had announced, at the time of the hearing, no specific plans respecting the future use of this employment category or the duties to be assigned to any employee hereinafter so designated. The duties formerly assigned to an employee in this category are now performed by other foremen in the department. At the time of the hearing, the position of assistant maintenance foreman, rolling mills (70 B), had been vacant for 3 or 4 months, and no determination had been made respecting the filling of the job category.

Absent radical changes in these three job categories, it clearly appears that employees hired to fill these positions would fall within the residual voting group for production and maintenance foremen at the Employer's plants. We make, however, no specific unit placement with respect to job categories which are abolished, changing, or inactive. If these positions are filled prior to the elections, and such employees present themselves at the polls and their votes are challenged, we will make such determination regarding their eligibility and unit placement as may appear necessary. If, as a result of these proceedings, the Petitioner is certified as the exclusive bargaining representative of production and maintenance foremen at the Employer's plants and employees are thereafter hired to fill any of these positions, and a unit dispute arises between the Petitioner and the Employer with respect to these employees, we will, upon proper motion, determine the placement of such employees with respect to the units found appropriate as a result of the instant proceedings.

For the reasons stated above, we find that the decision makes clear and adequate disposition regarding the unit placements of employees at the Employer's plants concerned in these proceedings. We therefore deny the Petitioner's motion to amend the decision noted above.

B. The Employer's motion

The Employer in its motion alleges that the Board erred in respect to certain findings and conclusions of fact set forth in the Decision and Direction of Elections noted above.

The Employer contends, *inter alia*, that the findings of the Board as to the authority and responsibility of "foremen of all grades" and "foremen" appearing in the fifth paragraph under "Section IV. The appropriate unit; the determination of representatives," and the paragraphs immediately succeeding are not supported by the evidence unless the meaning of the term "foremen" is limited to denote only such foremen as the Employer designates "managerial."

Beginning with our general discussion of the unit problem, we stated:

The general foremen, assistant general foremen, foremen, turn foremen, and assistant foremen, who for the most part comprise the proposed unit and whom the Employer characterizes as "managerial" or "bona fide" supervisors, differ somewhat in the responsibilities, duties, and authorities assigned to them . . .

The limitation therein made with respect to the types of foremen under discussion is intended to apply to the entire immediate text dealing with the Employer's foremen. These findings are directly made with respect to the foremen characterized by the Employer as "managerial," and we believe that the context makes this meaning clear.⁵ As to how far these findings are also applicable to foremen listed on Appendix G, whom the Employer calls "non-managerial," we make no finding at this point in our decision.

The findings and conclusions of fact set forth in the Decision and Direction of Elections are based on the entire record in these proceedings. We find no merit in the Employer's exceptions that certain enumerated findings are not substantiated by the evidence or that certain conclusions are contrary to law. For this reason, we deny the Employer's motion to rescind, alter, or amend our Decision and Direction of Elections.

MR. JAMES J. REYNOLDS, JR., took no part in the consideration of the above Supplemental Decision and Order Denying Motions to Amend.

⁵ The several positions of the Employer respecting separate units for supervisors of clerical, craft, and production and maintenance employees and a severance of "managerial" and "non-managerial" production and maintenance foremen are set forth and discussed at a somewhat later point in the decision.