

In the Matter of ARMOUR & COMPANY and LOCAL No. 527, UNITED
PACKING HOUSE WORKERS' INDUSTRIAL UNION, AFFILIATED WITH
THE COMMITTEE FOR INDUSTRIAL ORGANIZATION

Case No. R-275.—Decided October 26, 1937

Meat Packing Industry—Investigation of Representatives: controversy concerning representation of employees; refusal by employer to recognize union as exclusive representative—*Unit Appropriate for Collective Bargaining:* production and maintenance employees; no controversy as to; *Representatives:* proof of choice: membership in union; comparison of pay roll with list of union members and membership cards signed by union members—*Certification of Representatives:* upon proof of majority representation.

Mr. Christopher W. Hoey and *Mr. David C. Shaw* for the Board.
Mr. S. Mayner Wallace, of St. Louis, Mo., and *Mr. Walter C. Kirk*, of Chicago, Ill., for the Company.

Mr. G. L. Grant, of Springfield, Ill., for Local No. 527.

Mr. Warren L. Sharfman, of counsel to the Board.

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

On June 29, 1937, Local No. 328, United Packing House Workers' of America, herein called Local No. 328, filed with the Regional Director for the Fourteenth Region (St. Louis, Missouri), a petition alleging that a question affecting commerce had arisen concerning the representation of production and maintenance employees of Armour & Company, herein called the Company, employed at the Company's plant at National City, Illinois, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On August 21, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Article III, Section 3 of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered the Regional Director to conduct an investigation and provide for an appropriate hearing. On August 28, 1937, the Acting Regional Director issued and duly served upon the parties a notice of hearing to be held at St. Louis, Missouri,

on September 3, 1937. After several postponements, the hearing was finally set for September 13, 1937. On September 11, 1937, an "amended" petition, in substance the same as the original petition, but signed by Local No. 527, United Packing House Workers' Industrial Union, affiliated with the Committee for Industrial Organization, herein called Local No. 527, was filed with the Acting Regional Director.

Pursuant to the notice, duly served upon the parties, a hearing was held in St. Louis, Missouri, on September 13, 1937, before William P. Webb, the Trial Examiner duly designated by the Board. At the hearing the Board, the Company, and Local No. 527 were represented by counsel. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issue was afforded to all parties. A motion by Local No. 527, to amend the pleadings to conform to the "amended" petition was granted without objection. Objections to the introduction of evidence were made during the course of the hearing by counsel for the parties. The Board has reviewed the rulings of the Trial Examiner on motions and objections and finds no prejudicial errors were committed. The rulings are hereby affirmed.

At the hearing the Trial Examiner did not rule on the Company's motion to dismiss the petition, but granted it leave to file a memorandum in support of the motion with the Board. The motion is hereby denied.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE COMPANY AND ITS BUSINESS

Armour & Company, an Illinois corporation, directly and through subsidiaries operates 28 meat packing plants in 22 states; approximately 300 branch houses, throughout the United States; a number of establishments engaged in the preparation and sale of products closely allied to the meat packing business, such as fertilizer, soap, and leather; several creameries; and a number of establishments where poultry is slaughtered and dressed and eggs are purchased, packed, and sold. It is one of the four largest meat packing companies in the United States.

The plant in question at National City, Illinois, is one of the 28 operated by the Company. It covers an area of about 19½ acres, ten acres of which are occupied by some 20 buildings, and is situated at the East St. Louis Railway Junction where it is served by a number of railroads, including the Baltimore and Ohio, the Pennsylvania lines, and most of the western railroads. The average number of employees engaged at this plant is between 1650 and 1700, about 1250 of

whom are engaged in the production of meat products, and the remainder are office employees, supervisory employees, and truck drivers.

The total production of meat at this plant during the past year was approximately 260,000,000 pounds. This entailed the slaughter of approximately 173,000 cattle, 250,000 hogs, 250,000 sheep, and 90,000 calves. Animals for slaughter are purchased both in and outside the State of Illinois. Approximately 98 per cent of the cattle, 66 per cent of the hogs, 93 per cent of the sheep, and 79 per cent of the calves were purchased in Illinois. The remainder are purchased outside Illinois. The places of origin of well over 50 per cent of the animals slaughtered at this plant are points outside Illinois.

The operations of the Company's plant are closely coordinated. The animals are bought and scaled, driven through runways to holding pens, slaughtered, processed, chilled and shipped out. In the killing and cutting departments the animals are carried along on chain conveyors. In all departments they are constantly on the move from one employee to the next. The whole process of manufacture, from the purchase of the animal to the shipment of fresh meat, is accomplished without delay. The Company also produces cured and frozen meats, and recovers grease and tallow as by-products of its production. Testimony indicates that the Company considers the plant as a single productive unit, consisting of interdependent operations or processes, rather than as a series of independent departments.

More than 75 per cent of the amount of meat shipped from the plant is shipped to points outside Illinois. A large part of the products of the plant are shipped in refrigerator cars owned by the Company. As products of the plants are shipped out of Illinois they are subject to federal inspection.

II. THE ORGANIZATION INVOLVED

Local No. 527, United Packing House Workers' Industrial Union is a labor organization, membership in which is limited to the employees in the Company's National City, Illinois plant. On September 3, 1937, it received a charter from the Committee for Industrial Organization. Prior to the granting of this charter the members of Local No. 527 belonged to Local No. 328, United Packing House Workers' of America. Local No. 328 received its charter from the International Union of Mine, Mill and Smelter Workers, an affiliate of the Committee for Industrial Organization, pending the establishment by that Committee of an international organization for the meat packing industry. When such action was taken, Local 328 gave up its charter, and its members and officers joined Local No. 527.

III. THE QUESTION CONCERNING REPRESENTATION

From early in June 1937 up until the present time Local No. 328, and more recently Local No. 527, have claimed to represent a majority of employees in the appropriate unit of the Company's National City plant. At various times Local No. 328, or Local No. 527, has requested the Company to recognize it as the exclusive bargaining agent for the employees in the plant, and on at least one occasion has offered to submit union membership cards as proof of the majority, but in every case the request was denied, although the Company continued to negotiate with it as the representative of its own members. No reason for this refusal was given to the representatives of Local No. 328 and Local No. 527. At the hearing it was testified by the General Superintendent of the National City plant that the refusal was based on the uncertainty as to whether a majority of the employees were represented by Local No. 328 and later by Local No. 527.

We find that a question has arisen concerning the representation of employees working at the Company's National City plant.

IV. THE APPROPRIATE UNIT

As was indicated above, the Company employs between 1650 and 1700 employees. Of this number, approximately 1200 to 1250 are production and maintenance employees, exclusive of office employees, supervisory employees, and truck drivers. Local No. 527 stipulated, and we find that, in order to insure to the Company's employees the full benefit of their right to self-organization and collective bargaining, and otherwise to effectuate the policies of the Act, the production and maintenance employees, exclusive of office employees, supervisory employees, and truck drivers, constitute a unit appropriate for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment. While the Company did not agree to this stipulation, neither did it object to it, and it appears that it has never carried on negotiations with any labor organizations other than Local No. 527, or its predecessor, Local No. 328.

V. THE EFFECT OF THE QUESTION OF REPRESENTATION ON COMMERCE

We find that the question concerning representation which has arisen, occurring in connection with the operations of the Company described in Section I above, has a close, intimate, and substantial relation to trade, traffic, and commerce among the several states, and tends to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

VI. THE EXCLUSIVE BARGAINING AGENCY

At the time of the hearing the Company employed 1200 to 1250 persons in the appropriate bargaining unit, as described in Section IV above, at its plant at National City.

At the hearing, Local No. 527 submitted in evidence a list containing the names of 1184 of its members who were employed by the Company in the appropriate bargaining unit of its National City plant. At the same time they submitted for examination 1184 cards evidencing membership in Local No. 527, each signed by a member. The persons who obtained the signed cards and who made the list from the cards were examined and cross-examined, and no doubts were cast upon the authenticity of the list, or cards. The cards were all signed on August 30, and 31, and September 1, 1937. The Company pay roll for the period ending September 4, 1937, was available for comparison with the cards and list at the hearing. Each signed card authorized Local No. 527 to represent the signer for the purposes of collective bargaining.

We find that Local No. 527 has been designated and selected by a majority of the employees in the appropriate unit as their representative for the purposes of collective bargaining. Local No. 527 is, therefore, by virtue of Section 9 (a) of the Act, the exclusive representative of all of the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and we will so certify.

CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact and upon the entire record in the proceedings, the Board makes the following conclusions of law:

1. A question affecting commerce has arisen concerning the representation of employees of the National City plant of Armour & Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. All production and maintenance employees of the National City plant of Armour & Company, exclusive of office employees, supervisory employees, and truck drivers, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

CERTIFICATION OF REPRESENTATIVES

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 8 of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Local No. 527, United Packing House Workers' Industrial Union, has been designated and selected by a majority of the production and maintenance employees, employed by Armour & Company in its National City plant, exclusive of office employees, supervisory employees, and truck drivers, as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, Local No. 527, United Packing House Workers' Industrial Union, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.