

In the Matter of BETHLEHEM STEEL COMPANY, JOHNSTOWN PLANT and  
UNITED STEELWORKERS OF AMERICA, CIO

*Case No. 6-R-1164.—Decided January 7, 1946*

*Mr. J. L. Wynne*, of Bethlehem, Pa., for the Company.

*Messrs. John J. Brownlee and Clifford Shorts*, of Pittsburgh, Pa.,  
and *Messrs. Michael J. Neary, Daniel W. Shelly, and Charles L. Rodger*, of Johnstown, Pa., for the Union.

*Miss Margaret M. Farmer*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Bethlehem Steel Company, Johnstown Plant, Johnstown, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before W. G. Stuart Sherman, Trial Examiner. The hearing was held at Johnstown, Pennsylvania, on August 16, 1945. 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

The Company is a Pennsylvania corporation engaged in the production of various steel products, coke, and coke byproducts. During the calendar year of 1944 the aggregate value of raw and other materials used by the Company at its Johnstown plant, the only one of its

plants herein involved, was in excess of \$55,000,000, of which more than 55 percent was delivered to said plant from outside Pennsylvania. During the same year it manufactured at its Johnstown plant finished products valued in excess of \$125,000,000, of which more than 60 percent was shipped to points outside Pennsylvania. The plant property comprises approximately 750 acres located adjacent to the City of Johnstown, Pennsylvania. The Company employs an approximate total of 12,700 employees at its Johnstown plant, of whom approximately 500 are in the unit hereinafter found to be appropriate.

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

## II. THE ORGANIZATION INVOLVED

United Steelworkers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to recognize the Union as the exclusive bargaining representative of those of its employees included in the unit hereinafter found to be appropriate until such time as the Union is certified by the Board as representative for said employees.

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.<sup>1</sup>

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 seeks a unit composed of office, clerical, and technical employees of the Company at its Johnstown plant and offices, including janitors, charwomen, elevator operators, and telephone operators employed in the Industrial Relations Department, and clerks and typists employed in the piece rate department who do not participate in the process of rate setting, but excluding all employees in the production and maintenance workers' bargaining unit, employees in the General Manager's office, employees in the Industrial Relations Department and in the production and piece rate department not specifically included by enumeration above, firemen and plant patrolmen, contact

<sup>1</sup> The Field Examiner reported that the Union submitted 246 cards, of which 198 bore the names of employees listed on the Company's pay roll of June 1945, and that the cards are dated from 1943 to 1945

There are approximately 500 employees in the appropriate unit

men, doctors and nurses, all confidential secretaries and clerks whose work pertains to labor relations matters, and supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such changes. The Company contends that its office, clerical, and technical employees represent and are a part of management and cannot properly be included in any bargaining unit, or indeed represented by any labor organization. The Company concedes, however, that none of the employees in the requested unit perform work of a supervisory character and agrees that if the Board determines that the employees in question are entitled to representation by a union, the unit as proposed by the Union is appropriate. All employees who have access to confidential information concerning labor relations are excluded from the proposed unit. The employees included in the unit are office, clerical, and technical workers<sup>2</sup> having duties similar to those of employees in other plants who, we have repeatedly held, are entitled to the protection of the Act.<sup>3</sup>

We find that office, clerical, and technical employees of the Company at its Johnstown, Pennsylvania, plant and offices, including janitors, charwomen, elevator operators and telephone operators employed in the Industrial Relations Department, and clerks and typists employed in the production and piece rate department who do not participate in the process of rate setting, but excluding all employees in the production and maintenance workers' bargaining unit, employees in the General Manager's office, employees in the Industrial Relations Department and in the production and piece rate department not specifically included by enumeration above, firemen and plant patrolmen, contact men, doctors and nurses, all confidential secretaries and clerks whose work pertains to labor relations matters, and supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such changes, 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

<sup>2</sup> Among the technical classifications are combustion engineers, draftsmen, photo and blueprint operators, photographer and chainman. The unit also includes timekeepers, telephone operators, janitors, charwomen, and elevator operators.

<sup>3</sup> *Matter of Bethlehem Steel Company*, 61 N. L. R. B. 854; *Matter of Bethlehem Steel Company*, 63 N. L. R. B. 1230, *Matter of Creamery Package Manufacturing Company (Lake Mills Plant)*, 34 N. L. R. B. 108; *Matter of U. S. Automatic Corporation*, 58 N. L. R. B. 662; *Matter of Poultrymen's Service Corporation*, 41 N. L. R. B. 444, enforced 138 F. (2d) 204, 210-211 (C. C. A. 3); *Matter of Armour and Company*, 49 N. L. R. B. 688; *Matter of Armour and Company*, 54 N. L. R. B. 1005, enforced November 5, 1945 (C. C. A. 10) *Matter of Chrysler Corporation, Chrysler Motor Division*, 58 N. L. R. B. 239; *Matter of Aluminum Company of America*, 61 N. L. R. B. 1066.

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 limitation 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 Bethlehem Steel Company, Johnstown Plant, Johnstown, Pennsylvania, an election by secret ballot shall be conducted as early as possible, but not later than sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Sixth 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 quite 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 United Steelworkers of America, CIO for the purposes of collective bargaining.