

In the Matter of INTERNATIONAL MINERALS & CHEMICAL CORPORATION
and UNITED GAS, COKE AND CHEMICAL WORKERS OF AMERICA,
C. I. O.

Case No. 15-R-1456.—Decided January 30, 1946

*Messrs. J. W. McElbeney and C. H. Etrod, of Montgomery, Ala.,
for the Company.*

*Messrs. Howard King and K. G. Ingle, of Montgomery, Ala., for the
Union.*

Mr. Charles B. Slaughter, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Gas, Coke and Chemical Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of International Minerals & Chemical Corporation, Montgomery, Alabama, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George S. Slyer, Trial Examiner. The hearing was held at Montgomery, Alabama, on October 10, 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

International Minerals & Chemical Corporation, a New York corporation, is engaged in the manufacture, sale, and distribution of commercial fertilizers. It operates 24 plants in 12 States, 2 of which are

located in the State of Alabama. We are concerned herein solely with the Company's plant located in Montgomery, Alabama. During the fiscal year ending June 30, 1945, the Company received at its Montgomery plant 37,600 tons of raw materials, 42 percent of which was received from States other than Alabama. During the same period the Company shipped a total of 32,200 tons of its product to points within the State of Alabama and 5,300 tons on order of the Agricultural Adjustment Agency and on Government bills of lading to points outside the State of Alabama. The Company's product is marketed through more than 100 dealers and distributors within the State of Alabama.

We find, contrary to the contention of the Company, that it is engaged in commerce within the meaning of the National Labor Relations Act.

III. THE QUESTION CONCERNING REPRESENTATION

United Gas, Coke and Chemical Workers of America, is a labor organization, affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

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The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of the Company's employees until the Union has been certified by the Board in an appropriate unit.

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.¹

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

We find substantially in accordance with the stipulation of the parties that all production and maintenance employees of the Company at its Montgomery, Alabama, plant, excluding clerical employees, watchmen, master mechanic, general foremen, foremen, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

¹ The Field Examiner reported that the Union submitted 32 application cards which bore names appearing on the Company's pay-roll records for the period ending August 9, 1945. There are approximately 36 employees in the appropriate unit.

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 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 limitations 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 International Minerals & Chemical Corporation, Montgomery, Alabama, an election 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 Fifteenth 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 quit 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 Gas, Coke and Chemical Workers of America, C. I. O., for the purposes of collective bargaining.