

1. All driver-salesmen, truckdrivers, and the warehouseman, excluding all other employees and supervisors within the meaning of the Act.

2. All employees of the Employer, including all bakers, bakers' helpers, cake decorators, sales clerks, packaging and packing employees, and janitors, but excluding the driver-salesmen, truckdrivers, warehouseman, order clerk, office clerical employees, and all supervisors within the meaning of the Act.

[Text of Direction of Election omitted from publication.]

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WASHINGTON METAL TRADES, INC. ON BEHALF OF ISAACSON IRON WORKS, PACIFIC CAR & FOUNDRY CO. (SEATTLE STRUCTURAL PLANT), LECKENBY STRUCTURAL STEEL CO., AND LINK BELT COMPANY *and* SHOPMEN'S UNION LOCAL 506, INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS, PETITIONER

ISAACSON IRON WORKS *and* BOILERMAKERS UNION LOCAL 104, INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, DROP FORGERS AND HELPERS, AFL, PETITIONER. *Cases Nos. 19-RC-1463 and 19-RC-1478. October 13, 1954*

### Decision, Order, and Direction of Elections

Upon separate petitions duly filed under Section 9 (c) of the National Labor Relations Act, a consolidated hearing was held before Robert E. Tillman, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. Boilermakers Union Local 104, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Drop Forgers and Helpers, AFL, herein called the Boilermakers, and Welders Union Local 541, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Drop Forgers and Helpers, AFL, herein called the Welders, moved to dismiss the petition in Case No. 19-RC-1463 on the grounds that the petition was not timely filed and that the unit sought is inappropriate. Shopmen's Union Local 506, International Association of Bridge, Structural and Ornamental Iron Workers, herein called the Ironworkers, and Washington Metal Trades, Inc., herein called the Association, moved to dismiss the petition in Case No. 19-RC-1478 on the grounds that the unit sought is inappropriate and that no question concerning representation exists between the Boilermakers and Isaacson Iron Works because that company has no employees engaged in boilermaking duties. For reasons hereinafter stated, we deny the motion to dismiss the petition in Case No. 19-RC-1463, and we grant the motion to dismiss the petition in Case No. 19-RC-1478.

Upon the entire record in this case, the Board finds:

1. The Employers are engaged in commerce within the meaning of the Act.

2. The labor organizations involved claim to represent certain employees of the Employer.

3. The Boilermakers contends that the Ironworkers' petition was not timely filed as the Ironworkers had already negotiated a contract. The Welders further urges that the Ironworkers is estopped to claim welders as part of the unit it seeks inasmuch as it has recently negotiated a contract excluding welders. We find no merit to these contentions. Although the parties to this proceeding have negotiated current contracts covering employees involved herein, they have agreed that no formal documents would be entered into until this proceeding was resolved.

We find that a question affecting commerce exists concerning the representation of employees of the Employers within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. By its petition in Case No. 19-RC-1463, the Ironworkers seeks a unit of all maintenance and production employees including welders, but excluding teamsters, warehousemen, stationary engineers, boilermakers, blacksmiths, and machinists at Isaacson Iron Works, Pacific Car & Foundry Co. (Seattle structural plant), Leckenby Structural Steel Co., and Link Belt Company. This is essentially a 4-employer unit of structural ironworkers including welders. The Association and the Ironworkers contend that past bargaining upon a multiemployer basis has established the 4-employer unit as the only appropriate unit for ironworkers. The Welders objects to the Ironworkers' including welders of Isaacson in its unit because the Welders has been representing these employees in a multiemployer unit of welders; it urges that the Board direct a self-determination election for the Isaacson welders if an election is conducted on the Ironworkers' petition. The Boilermakers asserts that the multiemployer unit sought by the Ironworkers is inappropriate, and by its petition in Case No. 19-RC-1478 the Boilermakers seeks a unit of all production and maintenance employees excluding teamsters, blacksmiths, stationary engineers, machinists, and manual and machine welders at plants Nos. 1 and 2 of Isaacson Iron Works. This is essentially a single-employer unit of structural ironworkers excluding, among others, welders. The parties thus present for the Board's determination the questions of whether a 4-employer or a single-employer unit of structural ironworkers is appropriate, and of whether the Isaacson welders should be included in a 4-employer unit of structural ironworkers.

The Association is an employer association with a membership of approximately 115 companies engaged in metal trades manufactur-

ing in Seattle, Washington, and vicinity. It acts as the collective-bargaining representative for its members and usually the contract which it has executed with a particular labor organization covers all members of the Association who employ men within the established jurisdiction of that organization. The four employers named in the Ironworkers' petition are members of the Association and are the only members engaged in structural steel fabrication. The Ironworkers has represented the unit it now seeks, except the Isaacson welders, for a number of years. It has represented Isaacson's structural ironworkers since 1937. Since shortly thereafter, it has represented with the Isaacson employees Pacific's structural ironworkers and welders. It added the structural ironworkers and welders of Leckenby and Link Belt to the multiemployer unit it represented when those operations began in 1945 and 1947, respectively.

The Boilermakers has in the past represented employees in the plate fabrication department of Isaacson. That department has recently been eliminated by that Employer who at the time of the hearing was in the process of consolidating its two plants. The Boilermakers continues to represent blacksmiths who are employed in other departments of Isaacson as part of an associationwide unit of employees in its craft. It has not previously represented the Isaacson structural ironworkers whom it now petitions to represent and who are employed in the structural fabrication department.

In view of the long period of bargaining between the Association and the Ironworkers for a multiemployer unit of structural ironworkers as well as the bargaining history on a multiemployer basis for other employees of members of the Association, the Board is of the opinion that a unit confined to the structural ironworkers of Isaacson is inappropriate. We therefore find that a four-employer unit of structural ironworkers is appropriate, and we shall dismiss the Boilermakers' petition for a single-employer unit.

There remains for consideration the question of whether the Isaacson welders should be included in the four-employer unit. Although the Ironworkers' recently expired contract, as well as its original contract in 1937, included the classification of welder, the Ironworkers has not actually bargained for the Isaacson welders at any time. The Welders, on the other hand, has represented the Isaacson welders for many years in a multiemployer unit of welders. In 1952, in Case No. 19-RC-819,<sup>1</sup> the Welders sought formal board certification for the employees it then represented. At that time, the Board certified the Welders in a unit of manual and machine welders at the plants of members of the Association, excluding employees at the Hudson Street

<sup>1</sup> *Washington Metal Trades, Inc.*, 99 NLRB No. 31, not reported in printed volumes of Board Decisions and Orders.

plant of Pacific and employees then represented by the Machinists, the Boilermakers, the Ironworkers, the Sheet Metal Workers, and the Moulders. The Board pointed out in this earlier proceeding that the representation of employees doing welding work incidental to other craft work and covered by contracts with other unions was not in issue and that it was therefore unnecessary to go into the larger question of the proper unit placement of welders as if the representation of production and maintenance employees including welders were presented. The welders of Pacific, Leckenby, and Link Belt have never been part of the Welders' unit.

The work and equipment used in the structural fabrication departments of the 4 employers involved are similar. Leckenby has approximately 40 employees in its structural fabrication department, of whom 24 do some welding as part of their work; Link Belt has 18, of whom 15 do some welding; and Pacific has 300, of whom 60 do some welding, 40 doing it full time. Prior to the consolidation of Isaacson's plants, referred to above, Isaacson had a pool of about 19 welders, administratively under the structural fabrication department, but subject to assignment to any department. This pool arrangement appears to have been necessary because of the need for welding services by both the plate fabrication and the structural fabrication departments. The welders did both machine and manual electric arc welding, the only type used at the plants. They had no helpers, did their own tacking, and confined their work to welding. The burning operation, as well as the clamping and fitting, was done by employees in the craft having jurisdiction of the work in the department where the welding was performed. Since Isaacson has eliminated the plate fabrication department and limited its operation to structural fabrication, all welders are to be assigned to the structural steel department. Under the new operations, some welders will weld full time while others will weld only part time. All welding at Isaacson is production welding, welding taking the place of rivets or bolts in the fabrication of structural pieces. The welders will work under the supervision of the structural fabrication department foreman and his working foreman.

In view of the recent changes in the duties and working conditions of the Isaacson welders and the limited nature of the Board's consideration of the appropriate unit for welders in the proceeding certifying the Welders in a multiemployer unit of welders, the Board is of the opinion that past bargaining which included Isaacson welders in a larger unit of welders is not controlling in this case. The present work and conditions of employment of the Isaacson welders and the inclusion in the Ironworkers' unit of welders occupying a similar position at Leckenby, Pacific, and Link Belt indicate that the Isaacson

welders might appropriately be part of the four-employer unit of structural ironworkers sought by the Ironworkers. In this situation, and in accordance with our policy of directing a self-determination election for employees not previously represented in a unit to which their addition is requested,<sup>2</sup> we shall direct a separate election for the Isaacson welders.

Accordingly, we direct elections in the following voting groups:

(1) All production and maintenance employees of Isaacson Iron Works, Leckenby Structural Steel Co., Pacific Car & Foundry Co. (Seattle structural plant), and Link Belt Company, represented by Washington Metal Trades, Inc., Central Building, Seattle 4, Washington, excluding teamsters, warehousemen, stationary engineers, boilermakers, blacksmiths, machinists, the welders of Isaacson Iron Works, guards, and supervisors as defined in the Act.

(2) All welders of Isaacson Iron Works, excluding supervisors as defined in the Act.

If a majority of the employees in voting group 2 vote for the Welders, they will be taken to have indicated their desire to remain a part of the multiemployer unit of welders now represented by the Welders, and the Regional Director is instructed to issue a certification of results of election to that effect. If a majority of the employees in voting group 1 only cast their ballots for the Ironworkers or the Boilermakers, they will be deemed to have indicated their desire to be represented by the labor organization selected and the Regional Director is instructed to issue a certification of representatives to the winning labor organization as to the unit described in voting group 1 which we find to be appropriate for the purposes of collective bargaining.

On the other hand, if a majority of the employees in voting group 2 do not vote for the Welders, the employees in that group will appropriately be included in a larger unit with the employees in voting group 1 and their votes shall be pooled with those in voting group 1.<sup>3</sup> If a majority of employees in the pooled group selects a bargaining representative, the Regional Director is instructed to issue a certification of representatives to the labor organization selected for the combined unit, which in the circumstances we find to be appropriate for the purposes of collective bargaining.

[The Board dismissed the petition in Case No. 19-RC-1478.]

[Text of Direction of Elections omitted from publication.]

<sup>2</sup> See *The Zia Company*, 108 NLRB 1134, 109 NLRB 312

<sup>3</sup> In the event the votes are pooled, they shall be accorded their face value