

American Commercial Barge Line Company; Commercial Transport Corporation; Blaske, Inc. and National Maritime Union of America, AFL-CIO, Petitioner. Case No. 14-RC-3459. January 9, 1959

DECISION AND DIRECTION OF ELECTIONS

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Walter A. Werner, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Rodgers, Bean, and Fanning].

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

1. The Employer is engaged in commerce within the meaning of the Act.

2. The labor organization involved claims to represent certain employees of the Employers.

3. Questions affecting commerce exist 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. The Petitioner seeks to represent in a single unit all unlicensed employees employed on the towboats of American Commercial Barge Line Company¹ and its wholly owned subsidiaries, Commercial Transport Corporation² and Blaske, Inc.³ The Employers contend that the unit sought is inappropriate. Commercial further contends that a unit comprising its unlicensed personnel would be appropriate.

The Employers are engaged in inland water transportation by towboats and barges. American and Blaske operate on the Mississippi River and its tributaries, and on the Illinois waterways as common carriers under regulation by the Interstate Commerce Commission, and as unregulated contract carriers. Commercial operates solely as an unregulated contract carrier on the Mississippi River system and the Inter-Coastal Canal which runs along the gulf coast.

American controls the business policy of Blaske and Commercial by means of interlocking directors and officers. American has its main office at Jeffersonville, Indiana; Blaske and Commercial maintain their respective main offices at Alton, Illinois, and Houston, Texas. The chairman of American's board of directors, who is

¹ Referred to herein as American.

² Referred to herein as Commercial.

³ Referred to herein as Blaske.

also on Commercial's board of directors and is president of Blaske, maintains his office in the building which houses Commercial's offices in Houston. Blaske's payroll checks are prepared in American's Jeffersonville office. Although each Employer owns and maintains a fleet of towboats and barges there is a large degree of reciprocal charter towing. The Employers also enter into towing charters with so-called "outsiders," but give each other preference. American's office maintains a daily record of the location of its towboats and barges as well as those of Blaske. The same record also shows the location of those of Commercial's towboats and barges which are towing, or being towed by, Blaske's or American's equipment. It appears from the record that the present alignment of the Employers is designed to offer shippers regulated and unregulated contract facilities in a single integrated system. In view of the functional integration of the Employer's operations and the identity of ownership and control, we find that the unlicensed employees of the three Employers may constitute a single unit for purposes of collective bargaining.⁴

On the other hand, each Employer hires its own unlicensed personnel and maintains its own seniority list. There is no interchange of unlicensed employees by the Employers. Further, the Petitioner is currently recognized as the collective-bargaining representative of the unlicensed employees of American and Blaske under two contracts which will expire on June 1, 1959.⁵ Blaske has bargained separately with the Petitioner for its unlicensed employees since 1951. American and its predecessor, American Barge Line Company, have bargained with the Petitioner since at least 1955. Commercial has no bargaining history. From the foregoing and particularly in view of the separate bargaining history we find that the unlicensed employees of each of the three Employers may constitute separate units for purposes of collective bargaining.⁶

In view of the above, we shall make no unit determination until we have ascertained the desires of the employees as expressed in the elections directed hereinafter. We shall direct separate elections among the employees in the following voting groups, excluding from each group all pilots, engineers, mates, office clerical employees, guards, and supervisors as defined in the Act:

A. All unlicensed employees employed by American Commercial Barge Lines, including deckhands, tankermen, oilers, strikers, cooks, maids, messboys, utility men, and firemen.

⁴ *Lee Miller Co. and Lemlar Manufacturing Co.*, 106 NLRB 527; *Illini-Swallow Lines*, 80 NLRB 273.

⁵ None of the Employers contends that these contracts are a bar.

⁶ *Lee Miller Co. and Lemlar Manufacturing Co.*, *supra*; *Illini-Swallow Lines*, *supra*.

B. All unlicensed employees employed by Blaske, Inc., including deckhands, tankermen, oilers, strikers, cooks, maids, messboys, utility men, and firemen.

C. All unlicensed employees employed by Commercial Transport Corporation, including deckhands, tankermen, oilers, strikers, cooks, maids, messboys, utility men, and firemen.

If a majority of the employees in each voting group vote for the Petitioner, the employees will be taken to have indicated their desire to constitute a single combined unit. In that event the Regional Director is instructed to issue a certification of representatives to the Petitioner for such unit which the Board, under such circumstances, finds to be appropriate for purposes of collective bargaining.

If a majority of employees in each voting group do not vote for the Petitioner, they will be deemed to have indicated their desire to constitute separate units and the Board finds the group or groups in which the Petitioner receives a majority of the votes to be a separate unit or units appropriate for the purposes of collective bargaining. The Regional Director shall issue a certification of representatives to the Petitioner for each unit in which it has been selected as bargaining representative, and a certification of results in each unit in which it has not been so selected.⁷

[Text of Direction of Elections omitted from publication.]

⁷ The Petitioner has made a sufficient showing of interest in voting group C to justify holding an election in that group. If it does not desire an election in either that voting group or any other voting group, it may notify the Regional Director to that effect within 10 days of the date of this Decision and Direction of Elections.

St. Louis Independent Packing Company, a Division of Swift and Company and Amalgamated Meat Cutters and Butcher Workmen of North America, Local 66, AFL-CIO, Petitioner.
Case No. 14-RC-3355. January 9, 1959

SUPPLEMENTAL DECISION AND DIRECTION

Pursuant to a Board Decision and Direction of Election,¹ an election by secret ballot was conducted on November 5, 1958, under the direction and supervision of the Regional Director for the Fourteenth Region of the National Labor Relations Board, among the employees in the unit therein found appropriate. Following the election, the parties were furnished a tally of ballots which showed that of approximately 31 eligible voters, 31 cast ballots, and all 31 ballots were challenged.

¹ Unpublished.