

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* AMERICAN
FEDERATION OF LABOR

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* SHIP CARPENTERS,
CAULKERS & JOINERS, LOCAL 584, AFFILIATED WITH AFL

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* INTERNATIONAL
UNION OF HOD CARRIERS, BUILDING AND COMMON LABORERS OF AMER-
ICA, MARINE DIVISION, AFFILIATED WITH AFL

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* INTERNATIONAL
ASSOCIATION OF MACHINISTS, LOCAL 37, AFFILIATED WITH AFL

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* UNITED ASSOCIA-
TION OF PLUMBERS, STEAM AND MARINE FITTERS OF AMERICA, MARINE
FITTERS LOCAL 574, AFFILIATED WITH AFL

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* INTERNATIONAL
BROTHERHOOD OF BOILERMAKERS IRON SHIPBUILDERS AND HELPERS OF
AMERICA, AFFILIATED WITH AFL

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL B-130, AFFILIATED
WITH AMERICAN FEDERATION OF LABOR

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND
HELPERS OF AMERICA, AFFILIATED WITH A. F. L.

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* INTERNATIONAL
UNION OF OPERATING ENGINEERS, LOCAL 406-406-A, AFFILIATED WITH
AMERICAN FEDERATION OF LABOR

In the Matter of TODD-JOHNSON DRY DOCKS INC. *and* SHEET METAL
WORKERS, LOCAL UNION No. 11, AFFILIATED WITH AMERICAN FEDERA-
TION OF LABOR

In the Matter of TODD-JOHNSON DRY DOCKS INC., *and* INTERNATIONAL
MOLDERS UNION OF NORTH AMERICA, LOCAL 367, AFFILIATED WITH
AMERICAN FEDERATION OF LABOR

In the Matter of TODD-JOHNSON DRY DOCKS INC., *and* INTERNATIONAL
BROTHERHOOD OF BLACKSMITHS, DROP FORGERS AND HELPERS OF
AMERICA, LOCAL 175, AFFILIATED WITH AMERICAN FEDERATION OF
LABOR

Cases Nos. R-2844 to R-2855, inclusive.—Decided August 22, 1941

Jurisdiction: ship repairing industry.

Investigation and Certification of Representatives: existence of question: parties stipulated that a question concerning representation has arisen; election necessary.

Unit Appropriate for Collective Bargaining: all employees including specified groups; agreement as to.

Mr. Nicholas Callan, of New Orleans, La., for the Company.

Mr. Bentley G. Byrnes, of New Orleans, La., for the M. T. C. and petitioning unions.

Mr. Yelverton Cowherd, of Birmingham, Ala., for the I. U. M.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

On June 18, 23, 24, 25, 26, and 30, and July 2 and 7, 1941, respectively, American Federation of Labor; Ship Carpenters, Caulkers & Joiners, Local 584; International Union of Hod Carriers, Building and Common Laborers of America, Marine Division; International Association of Machinists, Local 37; United Association of Plumbers, Steam and Marine Fitters, Local 574; International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America; International Brotherhood of Electrical Workers, Local B-130; International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America; International Union of Operating Engineers, Local 406-406-A; Sheet Metal Workers, Local Union No. 11; International Molders Union of North America, Local 367; and International Brotherhood of Blacksmiths, Drop Forgers and Helpers of America, Local 175, all of which are affiliated with the New Orleans Metal Trades Council, herein called the M. T. C., filed separate petitions with the Regional Director for the Fifteenth Region (New Orleans, Louisiana) each alleging that a question affecting commerce had arisen concerning the representation of employees of Todd-Johnson Dry Docks, Inc., New Orleans, Louisiana, herein called the Company, 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 July 15, 1941, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series

2, as amended, ordered an investigation in each case and authorized the Regional Director to conduct it and to provide for an appropriate hearing upon due notice, and, acting pursuant to Article III, Section 10 (c), (2), of said Rules and Regulations, ordered that the 12 cases be consolidated.

On July 26, 1941, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, the petitioning unions, the M. T. C., and International Union of Marine and Shipbuilding Workers of America, Local 29, affiliated with the C. I. O., herein called the I. U. M., a labor organization claiming to represent employees directly affected by the investigation. Pursuant to notice, a hearing was held on August 6, 1941, at New Orleans, Louisiana, before C. Paul Barker, the Trial Examiner duly designated by the Chief Trial Examiner. The Company, the M. T. C., and the I. U. M. were represented by counsel and participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. During the course of the hearing the Trial Examiner made several rulings on motions. The Board has reviewed the rulings of the Trial Examiner and finds that no prejudicial errors were committed. The rulings are hereby affirmed.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Todd-Johnson Dry Docks, Inc., is a Delaware corporation with its offices, shipyards, and drydocks located on the Mississippi River at New Orleans, Louisiana. It is engaged in the drydock and repair of "vessels of all flags in foreign and coast-wide trade, and boats and barges in river and inland waters trade, as well as harbor craft and Government-owned vessels." The Company operates two plants or yards, some 6 miles apart, called "upper plant" and "lower plant." The two yards operate as one unit, the men being hired at the same place and the workmen being interchangeable. During 1940 the Company's pay roll exceeded \$1,000,000, and it purchased raw materials valued in excess of \$500,000, all of which raw materials originated outside the State of Louisiana, with the exception of some minor amounts of lumber. Its total volume of business in 1940 was in excess of \$4,000,000. The Company admits that it is engaged in commerce within the meaning of the Act.

II. THE ORGANIZATIONS INVOLVED

Ship Carpenters, Caulkers & Joiners, Local 584; International Union of Hod Carriers, Building and Common Laborers of America,

Marine Division; International Association of Machinists, Local 37; United Association of Plumbers, Steam and Marine Fitters, Local 574; International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America; International Brotherhood of Electrical Workers, Local B-130; International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America; International Union of Operating Engineers, Local 406-406-A; Sheet Metal Workers, Local Union No. 11; International Molders Union of North America, Local 367; International Brotherhood of Blacksmiths, Drop Forgers and Helpers of America, Local 175, and the New Orleans Metal Trades Council, are labor organizations affiliated with the American Federation of Labor. They admit to membership employees of the Company.

Industrial Union of Marine and Shipbuilding Workers of America, Local 29, 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, the M. T. C., and the I. U. M. stipulated at the hearing that a question concerning representation of employees of the Company has arisen. On April 22, 1940, the Company and the I. U. M. entered into an exclusive bargaining contract covering the employees involved herein. The contract provides that it is terminable upon 45 days' notice by either party thereto. It is apparent that such contract does not constitute a bar to a present determination of representatives. The parties stipulated at the hearing that the M. T. C. and the I. U. M. each represent a substantial number of employees of the Company.

We find that a question has arisen concerning the representation of employees of the Company.

IV. THE EFFECT OF THE QUESTION CONCERNING REPRESENTATION UPON 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.

V. THE APPROPRIATE UNIT

The Company, the M. T. C., and the I. U. M. agreed at the hearing, and we find, that all employees of the Company, including the em-

ployees listed in Appendix C, but excluding the employees listed in Appendices A and B, constitute a unit appropriate for the purposes of collective bargaining. We further find that such unit will insure to employees of the Company the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.

VI. THE DETERMINATION OF REPRESENTATIVES

We find that the question concerning representation which has arisen can best be resolved by the holding of an election by secret ballot. All the parties agreed at the hearing that employees eligible to vote shall be those in the appropriate unit who worked at least once in each of the following periods: (a) the 4 pay-roll weeks ending May 14, May 21, May 28, and June 4, 1941; (b) the 4 pay-roll weeks ending June 11, June 18, June 25, and July 2, 1941; (c) the 4 pay-roll weeks ending July 9, July 16, July 23, and July 30, 1941. We shall adopt the agreement of the parties as to eligibility, subject to the limitations and additions set forth in the Direction.

Upon the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

CONCLUSIONS OF LAW

1. A question affecting commerce has arisen concerning the representation of employees of Todd-Johnson Dry Docks Inc., New Orleans, Louisiana, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. All employees of the Company, including the employees listed in Appendix C, but excluding the employees listed in Appendices A and B, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

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 8, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for the purposes of collective bargaining with the Todd-Johnson Dry Docks Inc., New Orleans, Louisiana, an election by secret ballot shall be conducted as soon 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, Section 9, of said Rules and Regulations, among all employees of the Company who worked at least once during each of the following periods: (a) the 4 pay-roll weeks ending May 14, May 21, May 28, and June 4, 1941; (b) the 4 pay-roll weeks ending June 11, June 18, June 25, and July 2, 1941; (c) the 4 pay-roll weeks ending July 9, July 16, July 23, and July 30, 1941, including the employees listed in Appendix C, but excluding the employees listed in Appendices A and B and employees who have since quit or been discharged for cause, to determine whether they desire to be represented by Industrial Union of Marine and Shipbuilding Workers of America, Local 29, affiliated with the Congress of Industrial Organizations, or by New Orleans Metal Trades Council, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.

MR. WILLIAM M. LEISELSON took no part in the consideration of the above Decision and Direction of Election.

APPENDIX A

Administration:

President
Vice-President
Secretary-Treasurer

Supervision:

General Superintendent
Assistant General Superintendent

General Office:

Auditor
All Clerks
Typist
Office Boy
Telephone Operator
Secretary-Stenographers

Paymaster and Timekeepers:

Paymaster:
All Clerks
All Timekeepers

Purchasing Department:

Purchasing Agent
All Clerks

Sales:

All Solicitors

Estimating:

Estimator

Miscellaneous:

Night Superintendent
Draftsmen
Bookkeepers
General Foreman
Dock Master
Assistant Dock Master

APPENDIX B

Foremen

Watchmen

Assistant Foremen

Safety Engineer

Salaried leadermen, snappers, or
pushers

APPENDIX C

Storeroom employees

Off-and-on leadermen, snappers,

Flooding equipment crew

or pushers

Hourly-paid leadermen, snappers, Porter

or pushers