

In the Matter of OWENS-CORNING FIBERGLAS CORPORATION *and* TEXTILE WORKERS UNION OF AMERICA, AFFILIATED WITH C. I. O., LOCAL #500

Case No. 6-R-853.—Decided February 16, 1944

Marshall, Melhorn, Wall & Bloch, by Messrs. Henry R. Bloch, J. D. Black and R. O'Neill, all of Toledo, Ohio, for the Company.

Mr. Paul M. Northern, of Huntingdon, Pa., for the T. W. U. A.

Mr. John Hummell, of Washington, Pa., for the G. B. B. A.

Mr. James Coyle, of Huntingdon, Pa., for District 50.

Mr. Glenn L. Moller, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Textile Workers Union of America, affiliated with C. I. O., Local #500, herein called T. W. U. A., alleging that a question affecting commerce had arisen concerning the representation of employees of Owens-Corning Fiberglas Corporation, Huntingdon, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before James A. Shaw, Trial Examiner. Said hearing was held at Huntingdon, Pennsylvania, on January 4, 1943. The Company, the T. W. U. A., United Construction Workers, Division of District 50, United Mine Workers of America, herein called District 50, and Glass Bottle Blowers Association of the United States and Canada, herein called the G. B. B. A., 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

Owens-Corning Fiberglas Corporation is a Delaware corporation with its principal offices and place of business in Toledo, Ohio. It is

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engaged in the manufacture, sale, and distribution of fibrous glass products, operating plants in the States of Ohio, Pennsylvania, and Rhode Island. The Company operates a plant at Huntingdon, Pennsylvania, which is the only operation of the Company involved in this proceeding. This plant was leased by the Company from the Defense Plant Corporation, and has been operated by the Company since October 1, 1943. At the time of the hearing the Company employed approximately 975 employees, approximately 85 percent of its anticipated total personnel.

Since the Company began operations at the Huntingdon plant, it has purchased for use at said plant raw materials valued in excess of \$50,000, 55 percent of which was shipped to the said plant from points outside the State of Pennsylvania. During the same period the Company has shipped from its Huntingdon plant finished products valued in excess of \$150,000, 95 percent of which was shipped to points outside the State of Pennsylvania.

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

II. THE ORGANIZATIONS INVOLVED

Textile Workers Union of America, Local #500, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

Glass Bottle Blowers Association of the United States and Canada, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

United Construction Workers, a Division of District 50, United Mine Workers of America, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about September 17, 1943, the T. W. U. A. wrote to the Company, requesting recognition as the exclusive bargaining representative of the Company's employees. The Company refused to grant such recognition until the T. W. U. A. has been certified by the Board in an appropriate unit.

A statement of the Regional Director, introduced into evidence at the hearing, and a supplemental statement by the Trial Examiner at the hearing, indicate that the T. W. U. A. represents a substantial number of employees in the unit hereinafter found appropriate.¹

¹ The Regional Director reported that the T. W. U. A. submitted 298 membership cards bearing apparently genuine original signatures of persons listed on the Company's pay roll of November 15, 1943, which contained the names of 538 employees in the appropriate unit.

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 parties agree, except as to one category of employees discussed below, that the appropriate bargaining unit should consist of all production and maintenance employees at the Huntingdon plant, excluding office and clerical employees, all salaried employees, technicians and employees doing confidential work, production clerks, receiving clerks, guards, watchmen, plant-protection employees and supervisory employees consisting of department heads, supervisors, department foremen and shift foremen, group leaders who act as direct heads of shifts or sections of a department and chief-shift inspectors.

The only category of employees as to which there is disagreement is the cafeteria employees. The Company seeks to include these employees in the unit, while the unions agree that they should be excluded. In conformity with our usual practice under such circumstances, we shall exclude the cafeteria employees from the appropriate unit.²

In accordance with the foregoing findings of fact and the stipulation of the parties, we find that all production and maintenance employees of the Company at its plant in Huntingdon, Pennsylvania, excluding office and clerical employees, all salaried employees, technicians and employees doing confidential work, production clerks, cafeteria employees, guards, watchmen and plant-protection employees, supervisory employees consisting of department heads, supervisors, department foremen, shift foremen, chief-shift inspectors, group leaders who act as direct heads of shifts or sections of a department, and any 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.

He further reported that District 50 submitted 25 authorization cards bearing apparently genuine signatures of persons listed on the same pay roll.

The Trial Examiner reported that the G. B. B. A. submitted at the hearing 8 authorization cards bearing the apparently genuine signatures of persons listed on the aforementioned pay roll.

The Trial Examiner correctly overruled the Company's objections to the introduction in evidence of the Statement of Regional Director Concerning Claims of Authorizations for the Purpose of Representation, which objections were based upon the contention that many of the cards submitted by the T. W. U. A. were dated prior to the Company's commencement of operations and indicated that the signers were employees of the company which had previously occupied the premises. The Statement indicates that the persons whose names appear on these cards are listed on the Company's pay roll.

² *Matter of The Singer Manufacturing Company*, 53 N. L. R. B. 1124; *Matter of General Motors Corporation, Oldsmobile Division*, 45 N. L. R. B. 11.

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 the 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, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Owens-Corning Fiberglas Corporation, Huntingdon, Pennsylvania, 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 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 the 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 they desire to be represented by Textile Workers Union of America, Local #500, affiliated with the Congress of Industrial Organizations, or by Glass Bottle Blowers Association of the United States and Canada, affiliated with the American Federation of Labor, or by United Construction Workers, Division of District 50, United Mine Workers of America, for the purposes of collective bargaining, or by none of said labor organizations.