

IN the Matter of NORTHERN COAL AND DOCK COMPANY, COAL PROCESSING CORPORATION, BERWIND FUEL COMPANY, NORTHWESTERN-HANNA FUEL COMPANY, GREAT LAKES COAL AND DOCK COMPANY, PITTSBURGH COAL COMPANY OF WISCONSIN, CARNEGIE DOCK AND FUEL COMPANY, INLAND COAL AND DOCK COMPANY, PHILADELPHIA AND READING DOCK COMPANY, REISS COAL COMPANY, CLEVELAND CLIFFS DOCK COMPANY, and UNITED STEELWORKERS OF AMERICA, C. I. O.

Case No. 18-R-902.—Decided March 25, 1944

Mr. Donald D. Harries, of Duluth, Minn., for Cleveland Cliffs Dock Company.

Mr. C. W. Link, of Superior, Wis., for Berwind Fuel Company.

Mr. Edgar G. Vaughn, of St. Paul, Minn., for the remaining Companies.

Mr. Earl T. Bester, of Duluth, Minn., for the C. I. O.

Messrs. Glenn L. Moller and Wallace E. Royster, of counsel to the Board.

DECISION
AND
ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Northern Coal and Dock Company, Coal Processing Corporation, Berwind Fuel Company, Northwestern-Hanna Fuel Company, Great Lakes Coal and Dock Company, Pittsburgh Coal Company of Wisconsin, Carnegie Dock and Fuel Company, Inland Coal and Dock Company, Philadelphia and Reading Dock Company, Reiss Coal Company, and Cleveland Cliffs Dock Company, hereinafter collectively referred to as the Companies, at their coal docks in Superior, Wisconsin, and Duluth, Minnesota, the National Labor Relations Board provided for an appropriate hearing upon due notice before Clarence A. Meter, Trial Examiner. Said hearing was held at Superior, Wisconsin, on January 12, 1944. The Companies and the C. I. O. appeared, participated, and were afforded full opportunity to examine

and cross-examine witnesses, and to introduce evidence bearing on the issues.¹ The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANIES

Northern Coal and Dock Company, Coal Processing Corporation, Berwind Fuel Company, Northwestern-Hanna Fuel Company, Great Lakes Coal and Dock Company, Pittsburgh Coal Company of Wisconsin, Carnegie Dock and Fuel Company, Inland Coal and Dock Company, Philadelphia and Reading Dock Company, Reiss Coal Company, and Cleveland Cliffs Dock Company are severally engaged in the operation of coal docks at Superior, Wisconsin, and, in some cases, at Duluth, Minnesota. The individual operations of the Companies entail the purchase and sale of coal in commerce. Each Company concedes, and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED QUESTION CONCERNING REPRESENTATION; THE ALLEGED APPROPRIATE UNIT

The C. I. O. desires a single bargaining unit comprised of all watchmen and guards in the employ of the Companies. The Companies deny that the multiple-employer unit is appropriate.

The C. I. O. relies upon the fact that since 1934, dock workers employed by the Companies have been covered by annual contracts executed by Coal Dock Workers Union, International Longshoremen's Association, Local 1343, and a committee of dock superintendents representing the Companies. The dock superintendent's committee is an informal organization having no express power to act for the Companies. Whatever authority it possesses to bargain collectively on behalf of the Companies is evidenced by their customary adherence to the contracts it negotiates with the dock workers' representative.

We find it unnecessary to determine whether the collective bargain-

¹ Coal Dock Workers Union, International Longshoremen's Association, Local 1343, was duly notified of the hearing and appeared, but indicated that it had no interest in the proceedings or in the employees involved and that it did not wish to intervene

ing history above described has created a single unit comprising the dock workers employed by all the Companies. Manifestly, the Companies have neither expressly nor impliedly delegated to any association, committee, or other joint body, the authority to bargain collectively on their behalf with respect to employees other than dock workers. As we have held in prior decisions, a unit consisting of employees of independent and competing employers is not appropriate for the purposes of collective bargaining where there exists no association of employers or other employer agency having such authority.² Accordingly, since we find that the Companies herein have in no way established a practice or manifested a desire to be bound by group rather than individual action in bargaining with the representatives of the guards and watchmen in their employ, we find that the multiple-employer unit sought by the C. I. O. is inappropriate for bargaining purposes.

Since we have found that the bargaining unit requested in the petition herein is inappropriate for the purposes of collective bargaining, we find that no question has been raised concerning the representation of employees in an appropriate bargaining unit. Accordingly, we shall dismiss the petition.

ORDER

Upon the basis of the above findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives filed by United Steelworkers of America, C. I. O., be, and it hereby is, dismissed.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Order.

² See *Matter of Rayonier, Incorporated, Grays Harbor Division*, 52 N. L. R. B. 1269.