

In the Matter of PITTSBURGH COKE & IRON COMPANY and UNITED
STEELWORKERS OF AMERICA, AFFILIATED WITH THE C. I. O.

Case No. 6-R-951.—Decided June 29, 1944

Mr. G. E. Dignam, of Neville Island, Pa., for the Company.

Mr. Phillip M. Curran, of Pittsburgh, Pa., for the Union.

Mr. Bernard Goldberg, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Pittsburgh Coke & Iron Company, Neville Island, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Allen Sinsheimer, Jr., Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on May 22, 1944. The Company and the Union 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 ruling made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an 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

Pittsburgh Coke & Iron Company is a Pennsylvania corporation operating five plants in the Commonwealth of Pennsylvania and one in the State of Michigan. We are here concerned with its plant at Neville Island, Pennsylvania, where it is engaged in the manufacture of pig iron, byproduct coke, byproduct chemicals, cement, and activated charcoal. During the past 12 months, this plant used approx-

imately \$2,500,000 worth of coal, all of which came from within the Commonwealth of Pennsylvania. During the same period it manufactured products valued at approximately \$16,000,000, of which 20 to 25 percent was shipped to points outside the Commonwealth.

The Company admits 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 QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its production and maintenance employees until the Union has been certified by the Board in an appropriate unit.¹

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.²

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 Union seeks a unit consisting of all production and maintenance employees including instrument repairmen and truck drivers, but excluding salaried employees, office and clerical employees, plant protection employees, nurses, cafeteria employees, civil engineers, copyist-draftsmen, surveyor's assistants, laboratory analysts, samplers, and physical testers, executives, superintendents, foremen, regular part-time foremen and all supervisory employees. The Company is in substantial agreement but urges the inclusion of copyist-draftsmen, surveyor's assistants, and laboratory analysts, samplers and physical testers as well.

¹ A previous petition for substantially the same unit was dismissed by order of the Board on August 6, 1943 after the Union had failed to secure a majority vote in an election held on July 28, 1943 pursuant to direction of the Board. *Matter of Pittsburgh Coke and Iron Company*, 51 N. L. R. B. 56

² The Field Examiner reported that the Union submitted 512 membership cards bearing apparently genuine signatures of which 396 also appeared on the Company's pay roll for March 31, 1944; the pay roll contained the names of 713 employees in the unit petitioned for. Of the 396 cards containing names also appearing on the Company's pay roll 29 were dated in 1941, 49 in 1942, 69 in 1943, 156 in 1944, and 93 were undated.

Copyist-draftsmen.—These men work in the engineering department located in the main office building tracing the designs created by the Company's engineers so that blue prints can be made. Since their work is clerical in nature, we shall exclude them from the unit.

Surveyor's assistant.—This employee performs the duties of a rodman or lineman in the engineering department assisting the civil engineer in new construction and maintenance work. We find that, like the civil engineer whom the parties agreed should be excluded, the surveyor's assistant has duties and interests sufficiently different from the production and maintenance employees to warrant his exclusion from the unit. We shall exclude him.

Laboratory men.—Men engaged in making routine production tests and analyses are classified by the Company as samplers, analysts and physical testers. The sampler goes out to the plant and takes samples of the raw or finished product which he brings back to the laboratory for analysis and testing. The analyst makes routine chemical tests of the sample. The physical tester makes tests for tensile and compression strength. The men performing these duties are paid on an hourly basis like other production and maintenance employees, are required to have only a high school education with no special knowledge of chemistry, and can be taught all they need to know for the work in two months. These men do no research work, devise no formulas, and do not even make the standard chemical mixtures with which titrations are made. For research work, the Company has a special laboratory staffed entirely by salaried graduate chemists. Laboratory employees of the type in question are eligible to join the Union and have been admitted to its membership in other plants. We shall include them in the unit.³

We find that all production and maintenance employees of the Company's Neville Island plant including instrument repairmen, truck drivers, laboratory analysts, samplers,⁴ and physical testers, but excluding salaried employees, office and clerical employees, plant protection employees, nurses, cafeteria employees, civil engineers, copyist-draftsmen, surveyor's assistants, executives, superintendents, foremen, regular part-time foremen,⁵ and all or 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.

³ *Matter of Commercial Solvents Corporation*, 45 N. L. R. B. 141; *Matter of Monarch Aluminum Co.*, 53 N. L. R. B. 756.

⁴ This category includes James A. McMurtry who is considered to be a sampler in the carbon plant.

⁵ Included in this category are Jackson H. Davidson, Vincenzo A. Manfredi, and Bohumel R. Hornyck.

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. The parties have agreed, and we find, that high school students working part time are not eligible to vote.

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 Pittsburgh Coke & Iron Company, Neville Island, 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 or not they desire to be represented by United Steelworkers of America, C. I. O., for the purposes of collective bargaining.