

In the Matter of GREAT LAKES STEEL CORPORATION and UNITED  
STEELWORKERS OF AMERICA, CIO

*Case No. 7-R-2037.—Decided September 13, 1945*

*Mr. Prewitt Semmes, of Detroit, Mich., for the Company.*  
*Messrs. Nicholas J. Rothe and Matt Goretta, of Detroit, Mich., for*  
*the CIO.*

*Mr. Donald H. Frank, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, CIO, herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of Great Lakes Steel Corporation, Ecorse, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before David Citrin, Trial Examiner. The hearing was held at Detroit, Michigan, on June 29, 1945. The Company and the CIO 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 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

Great Lakes Steel Corporation, a Delaware corporation, is a wholly owned subsidiary of National Steel Corporation, also a Delaware corporation. The plants of Great Lakes Steel Corporation are the Great Lakes Steel Plant and the Michigan Steel Plant, at Ecorse, Michigan, and the Hanna Furnace Plant,<sup>1</sup> at River Rouge, Michigan.

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<sup>1</sup>The Company's blast furnace plant.

The principal raw materials used by the Company in its manufacturing processes are ore, coal, coke, limestone, scrap, and fuel oil. The Company's finished products include hot and cold rolled sheets and strip, carbon and alloy bars, plates, enameling sheets, high tensile steels, and Stran-Steel framing. During the 3 months preceding the hearing, the Company used raw materials valued at approximately \$9,000,000, of which about 66 percent was shipped to it from points outside the State of Michigan. During the same period, the Company produced finished products valued at approximately \$28,000,000, of which about 78 percent was shipped from it to points outside the State of Michigan. At the time of the hearing the Company was engaged entirely in war production.

The Company 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 CIO as the exclusive bargaining representative of the Company's plant-protection employees until the CIO has been certified by the Board in an appropriate unit.

The Company asserts that its current contract with the CIO, covering the Company's production and maintenance employees but excluding from that unit the plant-protection personnel, inferentially was an agreement by the CIO not to attempt to represent its plant-protection employees.<sup>2</sup> We considered that contention of the Company in the previous case<sup>3</sup> involving these same employees and found it to be without merit. No reason appears in this case for a reversal of our previous finding.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the CIO represents a substantial number of employees in the unit hereinafter found appropriate.<sup>4</sup>

<sup>2</sup> At the hearing, a CIO representative testified that the CIO has established Local No. 8212 for the purpose of representing plant-protection personnel only.

<sup>3</sup> *Matter of Great Lakes Steel Corporation*, 56 N. L. R. B. 242.

<sup>4</sup> The Trial Examiner reported that the CIO submitted 55 dues-receipt cards; that the names of 42 persons appearing on the cards were listed on the Company's pay roll of May 21, 1945, which contained the names of 82 employees in the appropriate unit; and that the cards were dated, 1 in January, 2 in February, 2 in March, 14 in April, 10 in May, and 26 in June 1945.

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 CIO seeks a unit of all the Company's plant-protection employees at the Company's Great Lakes Steel, Michigan Steel, and Hanna Furnace Plants, excluding the chief, superintendents, lieutenants, sergeants, and all other supervisory employees within our usual definition. The Company agrees that the employees whom the CIO would exclude are supervisory employees.

The Company contends that no unit is appropriate for the plant-protection employees because they are not employees within the meaning of the Act and because a collective bargaining unit for these employees would not effectuate the policies of the Act. These contentions were considered by us not only in the previous case involving this Company and these employees (footnote 3, *supra*), but in many subsequent cases, and we have found them to be without merit.<sup>5</sup> Nothing in this case persuades us to hold otherwise.

These employees perform the same duties as they performed at the time of the previous hearing. The sole change in their status is that they are now demilitarized. It is also true that there has been no change in the situation of the three plants involved. We find, therefore, no merit in the Company's position that only separate units at each of the three plants would be appropriate.

We find that all the Company's plant-protection employees at the Company's Great Lakes Steel, Michigan Steel, and Hanna Furnace Plants, but excluding the chief, superintendents, lieutenants, sergeants, and all 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.

#### 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 payroll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

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<sup>5</sup> *Matter of Standard Steel Spring Company*, 62 N. L. R. B. 660; *Matter of National Lead Company, Titanium Division*, 62 N. L. R. B. 107; *Matter of Sealed Power Corporation*, 61 N. L. R. B. 1639; *Matter of Bethlehem Steel Company*, 61 N. L. R. B. 892; *Matter of The Babcock & Wilcox Company*, 61 N. L. R. B. 529.

The Company requests that its employees in the armed forces be permitted to vote, whether or not they present themselves in person at the polls. No persuasive reason appears, however, for departing from our established rule. The request is hereby denied.<sup>6</sup>

### 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, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Great Lakes Steel Corporation, Ecorse, Michigan, 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 Seventh 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 any 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, CIO, for the purposes of collective bargaining.

CHAIRMAN HERZOG took no part in the consideration of the above Decision and Direction of Election.

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<sup>6</sup> *Matter of T. C. Esser Company*, 60 N. L. R. B. 105; *Matter of Mine Safety Appliances Co., Callery Plant, Callery, Pa.*, 55 N. L. R. B. 1190.