

IN THE MATTER OF TODD SHIPYARDS CORPORATION, ROBINS DRY DOCK AND REPAIR CO., and TIETJEN AND LANG DRY DOCK CO.¹ and INDUSTRIAL UNION OF MARINE AND SHIPBUILDING WORKERS OF AMERICA

Case No. R-237

Mr. Will Maslow, Mr. Lester Levin, Mr. Martin Selman, and Mr. David Schatzow for the Board.

Cullen & Dykman, by Mr. Arthur E. Goddard, Mr. Robert B. Lisle, and Mr. Harry G. Hill, of Brooklyn, N. Y., for the Companies.

Mr. M. H. Goldstein, of Philadelphia, Pa., for Industrial Union of Marine and Shipbuilding Workers of America.

Mr. H. N. Glickstein, of New York, N. Y., for Industrial Union of Marine and Shipbuilding Workers of America, Locals No. 13 and No. 15.

Mr. Charlton Ogburn and Mr. William Gallagher, of New York, N. Y., for Marine Workers Metal Trades District Council, A. F. of L.

Mr. John J. Fallon, of Hoboken, N. J., for American Marine Workers Association, Inc.

Mr. Joseph M. Conroy and Mr. Dwyer Shugrue, of New York, N. Y., for Yard Workers Union of Robins Dry Dock and Repair Company.

Mr. Hyman A. Schulson, of counsel to the Board.

DIRECTION OF ELECTION

September 10, 1937

The National Labor Relations Board, having found that questions affecting commerce have arisen concerning the representation of employees of Robins Dry Dock and Repair Co., Borough of Brooklyn, New York City, and Tietjen and Lang Dry Dock Co., Hoboken, New Jersey, and that the production and maintenance employees of the above companies working in the Erie Basin plant and the Tebo plant of the Robins Dry Dock and Repair Co. and in the plant of the Tietjen and Lang Dry Dock Co., exclusive of office and clerical employees, those classified as executives, super-

¹Todd Shipyards Corporation, Robins Dry Dock and Repair Co., and Tietjen and Lang Dry Dock Co. were erroneously designated in the record as Todd Shipyards Company, Robins Dry Dock & Repair Company, and Tietjen and Lang Dry Dock Company.

visors, snappers (or assistant foremen), watchmen, timekeepers, janitresses (or cleaners), engineers, draftsmen, floating equipment employees, toolkeepers, garagemen, and lumberyard, shed, storeroom employees, and other employees, paid on a salaried basis, constitute a single unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act, 49 Stat. 449, and acting pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of said Act, and pursuant to Article III, Section 8 of National Labor Relations Board Rules and Regulations—Series 1, as amended, hereby

DIRECTS that, as part of the investigation authorized by the Board to ascertain representatives for the purposes of collective bargaining with Robins Dry Dock and Repair Co., and Tietjen and Lang Dry Dock Co., an election by secret ballot shall be conducted within a period of fifteen (15) days after the date of this Direction of Election, under the direction and supervision of the Regional Director for the Second Region, acting in this matter as the agent of the National Labor Relations Board and subject to Article III, Section 9 of said Rules and Regulations—Series 1, as amended, among the production and maintenance employees of the above companies working during the pay-roll period ending June 12, 1937, in the Erie Basin plant and the Tebo plant of the Robins Dry Dock and Repair Co., and in the plant of the Tietjen and Lang Dry Dock Co.,² exclusive of office and clerical employees, those classified as executives, supervisors, snappers (or assistant foremen), watchmen, timekeepers, janitresses (or cleaners), engineers, draftsmen, floating equipment employees, toolkeepers, garagemen, and lumberyard, shed, storeroom employees, and other employees, paid on a salaried basis,³ and exclusive of all who have quit or been discharged for cause, to determine whether they desire to be represented by Industrial Union of Marine and Shipbuilding Workers of America for the purposes of collective bargaining.

MR. EDWIN S. SMITH took no part in the consideration of the above Direction of Election.

[SAME TITLE]

AMENDED DIRECTION OF ELECTION

September 24, 1937

On September 10, 1937, the National Labor Relations Board, herein called the Board, issued a Direction of Election in the above-entitled

² The pay rolls for this period are in evidence as Board's Exhibits Nos 50 and 51

³ The names of the employees thus excluded appear in Board's Exhibits Nos. 68, 69, 70, 71, 72, 73, and 74 A-F.

case, directing that the election be held within a period of fifteen (15) days from the date of the Direction, among the production and maintenance employees of the above companies working during the pay-roll period ending June 12, 1937, in the Erie Basin plant and the Tebo plant of the Robins Dry Dock and Repair Co., and in the plant of the Tietjen and Lang Dry Dock Co., exclusive of office and clerical employees, those classified as executives, supervisors, snappers (or assistant foremen), watchmen, timekeepers, janitresses (or cleaners), engineers, draftsmen, floating equipment employees, toolkeepers, garagemen, and lumberyard, shed, storeroom employees, and other employees, paid on a salary basis, and exclusive of all who have quit or have been discharged for cause, to determine whether they desire to be represented by Industrial Union of Marine and Shipbuilding Workers of America, herein called the Industrial Union, for the purposes of collective bargaining.

On September 16, 1937, Marine Workers Metal Trades District Council, affiliated with the American Federation of Labor, herein called the Metal Trades Council, by its secretary, William Gallagher, and its counsel, Charlton Ogburn, filed with the Board a motion for leave to intervene in order to have its name placed on the ballot in the aforesaid election. On September 21, 1937, the secretary of the Metal Trades Council, counsel for Todd Shipyards Corporation, Robins Dry Dock and Repair Co., and Tietjen and Lang Dry Dock Co., herein called the companies, the Industrial Union, and Yard Union for Collective Bargaining of the Men of Robins Dry Dock & Repair Co., herein called the Yard Union, orally argued the motion before the Board. On September 18, 1937, the companies, by their counsel, filed with the Board a petition and motion for rescission and modification of the order for the Direction of Election, and requested an opportunity to argue orally the subject matter of the petition and motion before the Board. On September 20, 1937, the Yard Union filed with the Regional Director for the Second Region (New York, New York), a motion for the abrogation or stay of the Direction of Election.

In order to afford the Board opportunity to consider these motions and petitions, it is hereby

DIRECTED that the holding of the aforesaid election shall be postponed until further direction by the Board.