

In the Matter of INTERNATIONAL MERCANTILE MARINE COMPANY and UNITED STATES LINES COMPANY and INDUSTRIAL UNION OF MARINE AND SHIPBUILDING WORKERS OF AMERICA, LOCAL NO. 22

In the Matter of GRACE LINE and HURON STEVEDORING CORPORATION and INDUSTRIAL UNION OF MARINE AND SHIPBUILDING WORKERS OF AMERICA, LOCAL NO. 22

In the Matter of ACME SCALING Co., INC., and INDUSTRIAL UNION OF MARINE AND SHIPBUILDING WORKERS OF AMERICA, LOCAL NO. 22

Cases Nos. R-217, R-218 and R-219.—Decided September 25, 1937

Ship Maintenance and Repair—Investigation of Representatives: controversy concerning representation of employees: claim by one union of majority among employees of each company; claim by rival organization for place on ballot as to employees of one company; substantial doubt as to majority status among employees of each company—*Unit Appropriate for Collective Bargaining:* all workers, except foremen, engaged as shore gangs in maintenance and repair work on vessels while moored at piers in the port of New York, who have worked 24 days during the preceding three months; employees of parent company and wholly-owned subsidiary company constitute a single unit when both companies hire the same workers out of the same office, under a personnel policy determined by the same individual, for work on vessels operated by the subsidiary company; no real controversy as to—*Election Ordered—Certification of Representatives.*

Mr. Martin H. Selman for the Board.

Mr. A. V. Cherbonnier, of New York, N. Y., for International Mercantile Marine Company and United States Lines Company.

Mr. Howard N. Deyo and *Mr. W. F. Cogswell*, of New York, N. Y., for Grace Line and Huron Stevedoring Corporation.

Mr. Robert M. King and *Mr. Arthur E. Frank*, of Brooklyn, N. Y., for Acme Scaling Co., Inc.

Mr. Hyman N. Glickstein, of New York, N. Y., for Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22.

Mr. Gene Sampson, of New York, N. Y., for International Longshoremen's Association, Local No. 1474.

Mr. Joseph Friedman, of counsel to the Board.

DECISION

STATEMENT OF THE CASE

On May 14, 1937, Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, herein called the Union, filed a

petition with the Regional Director for the Second Region (New York, New York) alleging that a question affecting commerce had arisen concerning the representation of the employees of International Mercantile Marine Company, New York, New York, herein called the I. M. M., engaged as shore gangs in repair and maintenance work on vessels,¹ and requesting the National Labor Relations Board, herein called the Board, to conduct an investigation pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On July 15, 1937, the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3 of National Labor Relations Board Rules and Regulations—Series 1, as amended, authorized the Regional Director to conduct an investigation and to provide for an appropriate hearing. On July 2, 1937, the Union filed a similar petition with respect to the employees of Grace Line, New York, New York. On July 15, 1937, the Board authorized the Regional Director to conduct an investigation and to provide for an appropriate hearing in connection with such petition. On July 8, 1937, the Union filed a similar petition with respect to the employees of Acme Scaling Co., Inc., Brooklyn, New York, herein called the Scaling Company, engaged in scaling, cleaning, and repairing ship boilers and tanks. On July 23, 1937, the Board authorized the Regional Director to conduct an investigation and to provide for an appropriate hearing in connection with such petition.

On July 28, 1937, the Board, pursuant to Article III, Section 10 (c) (2) of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered the three cases to be consolidated for the purposes of the hearing. On July 29, 1937, the Regional Director issued a notice of hearing to be held at New York, New York, on August 5, 1937, copies of which were duly served upon the I. M. M., Grace Line, the Scaling Company, the petitioning Union, and upon International Longshoremens' Association, Local No. 1474, herein called the I. L. A., a labor organization named in each of the petitions as claiming to represent the employees of each of the companies named therein.

Pursuant to notice, a hearing was held at New York, New York, before William Seagle, the Trial Examiner duly designated by the Board. The Board, the I. M. M., Grace Line, and the Union were represented by counsel, and the Scaling Company was represented by its vice president. All participated in the hearing.

At the commencement of the hearing, counsel for the I. M. M. stated that he also represented the United States Lines Company,

¹The petition originally also included employees who performed maintenance and repair work on piers, but during the course of the hearing an amendment striking out the claim as to such employees was allowed.

herein called the U. S. Company, which employs the same shore gangs employed by the I. M. M. for maintenance and repair work on vessels. Thereupon, as counsel for the U. S. Company, he entered into a stipulation consenting to an order amending the petition and notice of hearing to include the U. S. Company as a party to the proceeding with the same force and effect as if it had been named originally in the petition and notice of hearing, and expressly waived notice of hearing. The Trial Examiner allowed the stipulation and ordered the amendment. Counsel for Grace Line then stated that he also represented Huron Stevedoring Corporation, herein called the Huron Corporation, a wholly-owned subsidiary of Grace Line, and that the Huron Corporation is the employer of the shore gangs involved in this proceeding who are engaged in maintenance and repair work on vessels operated by Grace Line. Thereupon, as counsel for the Huron Corporation, he entered into a stipulation consenting to an order amending the petition and notice of hearing to include the Huron Corporation as a party to the proceeding with the same force and effect as if it had been named originally in the petition and notice of hearing, and expressly waived notice of hearing. The Trial Examiner allowed the stipulation and ordered the amendment. The I. L. A., although duly served with a copy of the notice of hearing, did not appear until after the hearing had been in progress for two hours, at which time a representative of the I. L. A. made a motion to intervene in the proceeding concerning only the employees of Grace Line. The Trial Examiner granted the motion and thereafter the I. L. A. was represented by its delegate who participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all the parties.

The Board has reviewed the rulings of the Trial Examiner on the motions and objections made during the hearing and finds that no prejudicial errors were committed. The rulings are hereby affirmed.

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

FINDINGS OF FACT

I. THE COMPANIES AND THEIR BUSINESSES

A. *International Mercantile Marine Company and United States Lines Company*

International Mercantile Marine Company is a New Jersey corporation, with its general offices situated in New York, New York. At the time of the filing of the petition the I. M. M. was engaged in

the operation of vessels in interstate and foreign commerce.² Since June 30, 1937, the I. M. M. has discontinued the operation of vessels, pursuant to an order of the United States Maritime Commission. The operation of the vessels formerly carried on by the I. M. M. is now carried on by the U. S. Company. According to the annual report for 1936 filed with the Securities and Exchange Commission on June 29, 1937, by the I. M. M., the U. S. Company is a wholly-owned subsidiary of the I. M. M.³ Since June 30, 1937, the I. M. M. has been engaged only in stevedoring and in maintenance and repair work on certain vessels operated by the U. S. Company, namely, the vessels in the Panama Pacific Lines. Thus, the shore gangs described in the petition are in the employ of the I. M. M. when working on the vessels in the Panama Pacific Lines and are in the employ of the U. S. Company when working on the other vessels operated by the U. S. Company. In brief, the shore gangs are employed on certain days by the I. M. M. and on other days by the U. S. Company, depending upon the ships in port. The shore gangs are hired out of the same office by both companies, whose personnel policies are determined by the same individual, the only difference being that the pay checks come from one or the other company, depending on the ships in port.

The United States Lines Company operates 14 vessels having a gross tonnage of approximately 182,946 tons. The company, which is one of the largest American companies in this business, leases and operates piers 58 to 62, North River, New York. The vessels carry freight, passengers, and mail. They sail according to a fixed posted schedule from New York to Liverpool, Plymouth, LeHavre, Hamburg, Havana, Cristobal, Balomar, San Diego, Los Angeles, San Francisco, and return. The shore gangs, as stated above, are employed by the U. S. Company for work on its vessels while in port, except vessels in the Panama Pacific Lines.

During the course of the hearing, counsel for the I. M. M. and the U. S. Company stipulated that both companies were engaged in interstate and foreign commerce and were subject to the jurisdiction of the Board.

B. Grace Line and Huron Stevedoring Corporation

Grace Line owns and operates ten vessels in the transportation of freight and passengers. The vessels sail from New York to ports on the west coast of South America via the Panama Canal. Grace

² See the description of International Mercantile Company and its business in *Matter of International Mercantile Marine Company and its subsidiaries and affiliates; American Merchant Line, Panama Pacific Line and United States Lines, and International Union of Operating Engineers, Local No. 3*, 1 N. L. R. B. 384.

³ Board's Exhibit No. 5.

Line also owns and operates vessels sailing in foreign commerce from ports on the west coast of the United States and of Central and South America. It operates pier 57, North River, New York.

Huron Stevedoring Corporation is a wholly-owned subsidiary of Grace Line. It is engaged in a stevedoring business, but also hires shore gangs to perform maintenance and repair work on vessels. It employs all the men who perform such work on the vessels of Grace Line; and it also employs men to perform similar work on the vessels of the Panama Steamship Company, a wholly-owned subsidiary of Grace Line, while moored at pier 61, North River, New York. Since the Huron Corporation, rather than Grace Line, employs all the employees alleged in the petition to be employees of Grace Line, the petition will be dismissed in so far as it concerns Grace Line.

During the course of the hearing, counsel for the Huron Corporation stipulated that it was engaged in interstate and foreign commerce, and conceded that it was subject to the jurisdiction of the Board.

C. Acme Scaling Co., Inc.

Acme Scaling Co., Inc., a New York corporation, is engaged in the business of furnishing labor to steamship companies to perform general maintenance and repair work on board vessels engaged in interstate and foreign commerce. The work performed by the men consists largely in scaling, cleaning, and washing boilers and tanks and similar work.

During peak periods the Scaling Company employs about 120 men. Its average weekly pay roll is approximately \$800. It owns three subsidiary corporations which are engaged in stevedoring for the United States Government.

During the course of the hearing, counsel for the Scaling Company stipulated that it was subject to the jurisdiction of the Board.

II. THE ORGANIZATIONS INVOLVED

A. Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22

Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, is a labor organization affiliated with the Committee for Industrial Organization. It admits to membership all workers, except foremen, performing repair and maintenance work on vessels while moored at the piers in the port of New York. It does not admit to membership longshoremen, stevedores, or workers engaged in work on the piers proper.

B. *International Longshoremen's Association, Local No. 1474*

International Longshoremen's Association, Local No. 1474, is a labor organization affiliated with the American Federation of Labor. Prior to April 1937, workers of the classification involved in these proceedings were ineligible for membership in International Longshoremen's Association. Its District Council so ruled as recently as December 1936, on an application for a charter by the very workers involved in these proceedings. Since June 1937, a change in policy seems to have occurred, and Local No. 1474 is at present in the process of formation for the purpose of organizing such workers in the vicinity of New York harbor. In these proceedings, however, its claims to membership are limited solely to the shore gangs engaged in maintenance and repair work on the vessels of Grace Line.

III. THE APPROPRIATE BARGAINING UNITS

A. *International Mercantile Marine Company and United States Lines Company*

"Shore gangs" is a shorthand expression denoting workers who reside on shore but perform maintenance and repair work on vessels while moored at the piers. In the case of these two companies, such work consists in the cleaning and painting of both the outside and the inside of vessels. The shore gang has two divisions: the outside painters, or the boatswain's gang, and the inside painters. The boatswain's gang cleans and paints the outside of the vessel, the deck, and on some occasions has cleaned and painted the crew's quarters. The inside painters paint the inside of the ship, chiefly the staterooms. Among the inside painters are included joiners who strip the staterooms of fixtures in preparation for the painters. Frequently, stewards' helpers are attached to the inside group, whose function it is to clean and polish the staterooms in preparation for the arrival of passengers. The two companies involved herein do not hire stewards' helpers, but contract for the work with an independent concern. The Union does not claim the stewards' helpers, limiting its claims in this proceeding to the employees of the two companies.

Counsel for the two companies suggested the segregation of the boatswain's gang into a separate unit, stating, however, that the determination of the appropriate unit was a matter of indifference to the companies. As a basis for the suggested distinction reference was made to the constancy of the size and personnel of the boatswain's gang, consisting of approximately 25 steady workers, as opposed to the variability of the size and personnel of the inside gang, fluctuating from 90 workers at peak times to approximately

20 in dull periods. It appears, however, that the workers in both gangs are hired by the hour at substantially the same rate of pay. The companies are under no obligation to hire workers in either gang. While the men in both gangs are hired by the hour, it is customary to work out an entire day when hired. Normally, there is a substantial number working in the inside gang at all times. Since the amount of work is dependent upon the number of ships moored at the piers, it is customary, whenever a ship docks, for the men to gather at the painters' and joiners' shops where the foremen select the workers for that day. This procedure is called the "shape-up." Testimony was introduced tending to show that the men attended the "shape-up" regularly and on an average secured two and one-half days' work per week. Apparently the boatswain's gang "shapes-up" very seldom, if at all. In view of the fact, however, that the men perform substantially similar work, and are hired by the same employer at substantially the same rate of pay, it seems highly artificial to separate the boatswain's gang, whose work is also dependent on the number of ships moored at the piers, from the workers in the inside gang who regularly attend the "shape-up" and receive a reasonable amount of work, measured in the light of the peculiar circumstances surrounding this type of work. The Union introduced testimony tending to show that a reasonable standard for determining a regular employee in the shore gang is 24 days of work during the preceding three months. This standard was uncontested and seems entirely reasonable and practicable.

In order to insure to the employees of the I. M. M. and the U. S. Company the full benefit of their right to self-organization and collective bargaining, and otherwise to effectuate the policies of the Act, we find that all the workers, exclusive of foremen, employed by the two companies in maintenance and repair work on vessels while moored at piers in the port of New York, who have worked 24 days for either or both companies during the preceding three months, constitute a unit appropriate for the purposes of collective bargaining.

B. Grace Line and Huron Stevedoring Corporation

The evidence discloses that the shore gangs engaged in maintenance and repair work on vessels of Grace Line while moored at the piers in the port of New York are employed at the present time either by the Huron Corporation, a wholly-owned subsidiary of Grace Line, or by independent concerns. The Union maintains that only the shore gangs employed by the Huron Corporation for maintenance and repair work on vessels of Grace Line constitute a unit appropriate for collective bargaining. The shore gangs

employed by the Huron Corporation work only on vessels of Grace Line or its subsidiaries. The work performed by the shore gangs employed by the Huron Corporation and the "shape-up" system of hire conform to the description already set forth in regard to the I. M. M. and the U. S. Company. During busy periods approximately 130 men are employed by the Huron Corporation in the shore gangs for work on vessels of Grace Line. Neither the Huron Corporation nor the I. L. A. raised any objection to the appropriate unit claimed by the Union or to the standard proposed by the Union for determining regular employees in the shore gangs, i. e., 24 days of work during the preceding three months.

In order to insure to the employees of the Huron Corporation the full benefit of their right to self-organization and collective bargaining, and otherwise to effectuate the policies of the Act, we find that all the workers, exclusive of foremen, employed by the Huron Corporation in maintenance and repair work on vessels while moored at piers in the port of New York, who have worked 24 days during the preceding three months, constitute a unit appropriate for the purposes of collective bargaining.

C. Acme Scaling Co., Inc.

The Union maintains that all the employees of the Scaling Company, except supervisory and clerical employees, constitute a unit appropriate for collective bargaining, since all of its employees are engaged in maintenance and repair work on vessels while moored at the piers. The Scaling Company raised no objection to the appropriate unit claimed by the Union. The employees of the Scaling Company are hired on the "shape-up" system. At peak times it employs about 120 men. It raised no objection to the application to its employees of the standard for determining a regular employee in the shore gangs proposed by the Union as to the employees of the other companies involved in these proceedings.

In order to insure to the employees of the Scaling Company the full benefit of their right to self-organization and collective bargaining, and otherwise to effectuate the policies of the Act, we find that all workers, exclusive of foremen, employed by the Scaling Company in maintenance and repair work on vessels while moored at piers in the port of New York, who have worked 24 days during the preceding three months, constitute a unit appropriate for the purposes of collective bargaining.

IV. THE QUESTIONS CONCERNING REPRESENTATION

All the employers involved in these proceedings stipulated that the Union has from time to time made claims of representation

upon them concerning their respective employees in the appropriate unit, resulting in a certain amount of unrest among the employees who are members of the Union, and that all the employers join in their desire that the Board certify to them the true bargaining agent of their respective employees in the appropriate unit. In addition, the Union introduced ample testimony bearing out the facts of the stipulation.

The Union claimed a membership of at least 90 per cent among the employees in the appropriate unit of each of the respective employers involved in these proceedings. The Union submitted membership cards of employees which in number averaged at least 90 per cent of the peak number of employees of each employer. Although the cards were made available for inspection by the companies, and, in the case of the employees of the Huron Corporation, for inspection by the I. L. A., very few cards were questioned. Nevertheless, because of the fact that the greater number of employees in the appropriate unit of each employer are hired upon the "shape-up" system, so that the size of the shore gangs is always fluctuating and the personnel constantly shifting, it was impossible to determine at the hearing whether the Union actually had a majority among the employees of each employer. We concur in the Trial Examiner's view that the pay rolls for the past three months indicating the number of days of work performed by each worker hired during that period were necessary for the determination. As such pay rolls were not available at the hearing, the companies agreed to supply their pay rolls for May, June, and July 1937, for use by the Board, while the Union agreed to prepare a list of the names on its membership cards for use by the Board. The pay rolls and the list of union members have been received, but are inadequate to serve as a basis for certification, as the pay rolls of the I. M. M. and the U. S. Company embrace only the month of July, and those of the Scaling Company do not state the number of days of work performed. The pay rolls of the Huron Corporation cover the three months' period, but differences in the spelling of the names and variations in the first names and in the initials occur so frequently in the comparison of the names on lists of the Huron Corporation with the names on the list prepared by the Union as to render a trustworthy tabulation impossible. We are thus without a basis for certification.

The I. L. A. claimed 18 members among the employees of the Huron Corporation and introduced 18 membership cards as evidence thereof. The Union claimed that the 18 workers who had signed I. L. A. membership cards were intimidated by the I. L. A. into signing. As evidence thereof, the Union introduced an affidavit,

asserting intimidation by the I. L. A., signed by six of the men who had signed I. L. A. membership cards. The I. L. A. claims that upon the basis of these cards it is entitled to be placed upon the ballot in the event that an election is directed among the employees of the Huron Corporation.

We find that questions concerning representation have arisen and that such questions tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce. The questions which have arisen concerning representation can best be settled by a secret ballot. All the parties have agreed that the standard of eligibility to vote is to be 24 days of work during May, June, and July 1937, the months just preceding the hearing.

CONCLUSIONS OF LAW

Upon the basis of the above findings of fact, the Board makes the following conclusions of law:

1. All the workers, exclusive of foremen, employed by International Mercantile Marine Company and United States Lines Company, by Huron Stevedoring Corporation, and by Acme Scaling Co., Inc., respectively, in maintenance and repair work on vessels while moored at piers in the port of New York, who have worked 24 days during the preceding three months, constitute units appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

2. Questions affecting commerce have arisen concerning the representation of employees in the aforesaid units, within the meaning of Section 9 (c) and Section 2, subdivisions (6) and (7) of the National Labor Relations Act.

DIRECTION OF ELECTIONS

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 8 of National Labor Relations Board Rules and Regulations—Series 1, as amended, it is hereby

DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining with International Mercantile Marine Company and United States Lines Company, an election by secret ballot shall be conducted within fifteen (15) days from the date of this Direction, under the direction and supervision of the Regional Director for the Second Region, acting in this matter as agent for the National Labor Relations Board and

subject to Article III, Section 9 of said Rules and Regulations, among all the workers, except foremen, employed by International Mercantile Marine Company and United States Lines Company in maintenance and repair work on vessels while moored at piers in the port of New York, who have worked 24 days during the three months preceding the date of the hearing; namely, May, June, and July 1937, to determine whether they desire to be represented by Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, for the purposes of collective bargaining;

FURTHER DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining with Huron Stevedoring Corporation, an election by secret ballot shall be conducted within fifteen (15) days from the date of this Direction, under the direction and supervision of the Regional Director for the Second Region, acting in this matter as agent for the National Labor Relations Board and subject to Article III, Section 9 of said Rules and Regulations, among all the workers, except foremen, employed by Huron Stevedoring Corporation in maintenance and repair work on vessels while moored at piers in the port of New York, who have worked 24 days during the three months preceding the date of the hearing, namely, May, June, and July 1937, to determine whether they desire to be represented by Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, or by International Longshoremen's Association, Local No. 1474, for the purposes of collective bargaining, or by neither;

FURTHER DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining with Acme Scaling Co., Inc., and election by secret ballot shall be conducted within fifteen (15) days from the date of this Direction, under the direction and supervision of the Regional Director for the Second Region, acting in this matter as agent for the National Labor Relations Board and subject to Article III, Section 9 of said Rules and Regulations, among all the workers, except foremen, employed by Acme Scaling Co., Inc., in maintenance and repair work on vessels while moored in the port of New York, who have worked 24 days during the three months preceding the date of the hearing, namely, May, June, and July 1937, to determine whether they desire to be represented by Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, for the purposes of collective bargaining.

The petition in which Grace Line is named as the employer of the employees involved therein is hereby dismissed so far as concerns Grace Line.

[SAME TITLES]

AMENDMENT TO DIRECTION OF ELECTIONS

October 7, 1937

On September 25, 1937, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Elections in the above-entitled cases, the elections to be held within fifteen (15) days from the date of the Direction.

Having been notified by the Regional Director for the Second Region that an extension of the time within which the elections were directed to be held is necessary for the proper conduct of the elections, we hereby amend the Direction of Elections issued on September 25, 1937, by striking therefrom the words, "within fifteen (15) days from the date of this Direction," wherever they occur therein, and substitute therefor the words, "within twenty (20) days from the date of this Direction."

CHAIRMAN MADDEN took no part in the consideration of the above Amendment to Direction of Elections.

[SAME TITLES]

CERTIFICATION OF REPRESENTATIVES

October 27, 1937

On May 14, 1937, Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, herein called the Union, filed with the Regional Director for the Second Region (New York, New York) a petition alleging that a question affecting commerce had arisen concerning the representation of the employees of International Mercantile Marine Company, New York, New York, herein called the I. M. M., engaged as shore gangs in repair and maintenance work on vessels, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On July 15, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 1, as amended, authorized the Regional Director to conduct an investigation and to provide for an appropriate hearing. On July 2, 1937, the Union filed a similar petition with respect to the employees of Grace Line, New York, New York. On July 15, 1937, the Board authorized the Regional Director to conduct an investigation and to provide for an appropriate hearing in connec-

tion with such petition. On July 8, 1937, the Union filed a similar petition with respect to the employees of Acme Scaling Co., Inc., Brooklyn, New York, herein called the Scaling Company, engaged in scaling, cleaning, and repairing ship boilers and tanks. On July 23, 1937, the Board authorized the Regional Director to conduct an investigation and to provide for an appropriate hearing in connection with such petition.

On July 28, 1937, the Board, pursuant to Article III, Section 10 (c) (2) of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered the three cases to be consolidated for the purposes of the hearing.

On July 29, 1937, the Regional Director issued a notice of hearing to be held in New York, New York, on August 5, 1937, copies of which were duly served upon the I. M. M., Grace Line, the Scaling Company, the petitioning Union, and upon International Longshoremen's Association, Local No. 1474, herein called the I. L. A., a labor organization named in each of the petitions as claiming to represent employees of each of the companies named herein. Pursuant to the notice, a hearing was held at New York, New York, on August 5 and 6, 1937, before William Seagle, the Trial Examiner duly designated by the Board.

The Board, the I. M. M., Grace Line, and the Union, were represented by counsel, and the Scaling Company was represented by its vice president. All participated in the hearing. At the hearing United States Lines Company, New York, New York, herein called the U. S. Company, was made a party to the proceeding on the petition involving the I. M. M., and Huron Stevedoring Corporation, New York, New York, was made a party to the proceeding on the petition involving Grace Line.

On September 25, 1937, the Board issued a Decision and Direction of Elections. The Direction of Elections provided that elections by secret ballot be held (1) among all the workers, except foremen, employed by the I. M. M. and the U. S. Company in maintenance and repair work on vessels while moored at piers in the port of New York, who have worked 24 days during the three months preceding the date of the hearing, namely May, June, and July 1937, to determine whether they desire to be represented by the Union for the purposes of collective bargaining; (2) among all the workers of the same description employed by the Huron Corporation to determine whether they desire to be represented by the Union or the I. L. A. for the purposes of collective bargaining, or by neither; and (3) among all the workers of the same description employed by the Scaling Company to determine whether they desire to be represented by the Union for the purposes of collective

bargaining. The petition in which Grace Line was named as the employer of the employees involved therein was dismissed so far as concerns Grace Line.

On October 5, 1937, the I. L. A. filed a petition for rehearing, stay of elections, and amendment of the Decision and Direction of Elections on the ground that the I. L. A. was entitled to a place on the ballot in the elections held among the employees of the I. M. M. and the U. S. Company and among the employees of the Scaling Company, and that employees who had worked 24 days during the three months immediately preceding the issuance of the Decision and Direction of Elections should be allowed to vote. On October 6, 1937, the Board denied this petition.

Pursuant to an Amendment of the Direction of Elections issued on October 7, 1937, extending the time for conducting the elections five days, secret ballots were conducted on October 11, 1937, among the employees of the I. M. M. and U. S. Company and of the Huron Corporation, and on October 12, 1937, among the employees of the Scaling Company. Full opportunity was accorded all the parties to this investigation to participate in the conduct of these secret ballots and to make challenges.

On October 12, 1937, after the election had been held, the Board received a petition, dated October 11, 1937, from the I. M. M. and the U. S. Company requesting the inclusion of the I. L. A. on the ballot in the election held among the employees of those two companies, so that the employees would have the opportunity of designating the Union or the I. L. A. to represent them for the purposes of collective bargaining, or neither. As this petition was received after the election had been held it was too late in any event. The petition is hereby denied.

As to the results of the ballots, the Regional Director reported as follows:

INTERNATIONAL MERCANTILE MARINE COMPANY and UNITED STATES LINES
COMPANY

Total number eligible.....	61
Total number of ballots counted.....	60
Total number of votes in favor of the Industrial Union Marine and Shipbuilding Workers of America, Local No. 22.....	60
Total number of votes against the aforementioned Union.....	0
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged ballots.....	0

HURON STEVEDORING CORPORATION

Total number eligible to vote.....	120
Total number of ballots counted.....	96
Total number of votes in favor of Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22.....	80

HURON STEVEDORING CORPORATION—Continued

Total number of votes in favor of International Longshoremen's Association, Local No. 1474.....	15
Total number of votes in favor of neither of the aforementioned Unions.....	1
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged votes.....	0

ACME SCALING CO., INC.

Total number eligible to vote.....	48
Total number of ballots counted.....	35
Total number of votes in favor of Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22.....	35
Total number of votes against the aforementioned Union.....	0
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged votes.....	0

On October 14, 1937, the Regional Director caused to be served on the parties to the proceedings her respective Intermediate Reports on the conduct of the ballots. On October 17, 1937, counsel for International Mercantile Marine Company and United States Lines Company filed objections to the Intermediate Report concerning the conduct of the ballot among the workers employed by those two companies. No other objections with respect to the conduct of the ballots or to the Intermediate Reports were filed. The Regional Director, having found that no substantial and material issues were raised thereby, forwarded the Intermediate Reports and the objections of International Mercantile Marine Company and the United States Lines Company to the Board in Washington, D. C. The Board has given careful consideration to the objections and concurs in the finding of the Regional Director that no substantial and material issues with respect to the conduct of the ballot or to the Intermediate Report are raised thereby.

We find that Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, has been selected by a majority of the employees of the International Mercantile Marine Company and United States Lines Company in the appropriate unit as their representative for the purposes of collective bargaining. Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, is, therefore, by virtue of Section 9 (a) of the Act, the exclusive representative of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and we will so certify it.

We find that Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, has been selected by a majority of the

employees of Huron Stevedoring Corporation in the appropriate unit as their representative for the purposes of collective bargaining. Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, is, therefore, by virtue of Section 9 (a) of the Act, the exclusive representative of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and we will so certify it.

We find that Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, has been selected by a majority of the employees of Acme Scaling Company, Inc., in the appropriate unit as their representative for the purposes of collective bargaining. Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, is, therefore, by virtue of Section 9 (a) of the Act, the exclusive representative of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and we will so certify it.

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 8 of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, has been designated and selected by a majority of all the employees, exclusive of foremen, employed by International Mercantile Marine Company and United States Lines Company in maintenance and repair work on vessels while moored at piers in the port of New York as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment;

IT IS HEREBY FURTHER CERTIFIED that Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, has been designated and selected by a majority of all the employees, exclusive of foremen, employed by Huron Stevedoring Corporation in maintenance and repair work on vessels while moored at piers in the port of New York as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, is the exclusive representative of all such employees for the purposes of collective bargaining in respect of rates of pay, wages, hours of employment, and other conditions of employment;

IT IS HEREBY FURTHER CERTIFIED that Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, has been designated and selected by a majority of all the employees, exclusive of foremen, employed by Acme Scaling Co., Inc., in maintenance and repair work on vessels while moored at piers in the port of New York as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, Industrial Union of Marine and Shipbuilding Workers of America, Local No. 22, is the exclusive representative of all such workers for the purposes of collective bargaining in respect of rates of pay, wages, hours of employment, and other conditions of employment.