

In the Matter of COMMONWEALTH DIVISION OF GENERAL STEEL CASTINGS CORPORATION and INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, WELDERS AND HELPERS OF AMERICA; INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT No. 9; PATTERN MAKERS ASSOCIATION OF ST. LOUIS AND VICINITY, and AMALGAMATED ASSOCIATION OF IRON, STEEL AND TIN WORKERS OF AMERICA, LOCAL LODGE No. 1022

Cases Nos. R-196 to R-199, inclusive.—Decided October 4, 1937

Steel Castings Industry—Investigation of Representatives: controversy concerning representation of employees: rival organizations; refusal by employer to recognize union as exclusive representative—*Unit Appropriate for Collective Bargaining:* where other considerations determinative of appropriate unit are such that either of two contentions is valid, decisive factor is the desire of employees involved; determination of dependent upon election—*Election Ordered.*

Mr. David C. Shaw and Mr. Herbert O. Eby for the Board.

Nagel, Kirby, Orrick & Shepley, by *Mr. Arthur B. Shepley, Jr.*, of St. Louis, Mo., for the Company.

Mr. William E. Walter, of Kansas City, Kan., for the Boilermakers union.

Bartley & Mayfield, by *Mr. Malcolm L. Bartley and Mr. Waldo C. Mayfield*, of St. Louis, Mo., for the I. A. M.

Anderson & Whittington, by *Mr. C. S. Anderson*, of St. Louis, Mo., for the P. M. A.

Mr. G. L. Grant, of Springfield, Ill., for the Amalgamated.

Mr. Joseph B. Robison, of counsel to the Board.

DECISION

STATEMENT OF THE CASE

On May 18 and 20, 1937, International Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of America, herein called the Boilermakers union; International Association of Machinists, District No. 9, herein called the I. A. M.; and Pattern Makers Association of St. Louis and Vicinity, herein called the P. M. A., filed with the Acting Regional Director for the Fourteenth Region (St. Louis, Missouri), three separate petitions alleging that questions affecting commerce had arisen concerning the representation of those employees of General Steel Castings Corporation,

herein called the Company, who are employed in its Commonwealth Division, located at Granite City, Illinois, 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 May 26, 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 Acting Regional Director to conduct investigations and to provide for appropriate hearings.

On June 11, 1937, a petition to the same effect as those described above was filed with the same Acting Regional Director, by Amalgamated Association of Iron, Steel and Tin Workers of America, Local Lodge No. 1022, herein called the Amalgamated. On June 12, 1937, the Board, acting pursuant to Section 9 (c) of the Act, and Article III, Section 3, of the above Rules and Regulations, authorized the Acting Regional Director to conduct an investigation and provide for an appropriate hearing; and the Board further ordered, pursuant to Article III, Section 10 (c) (2) of the above Rules and Regulations, that the four cases be consolidated for the purposes of the hearing.

Pursuant to a notice of hearing duly issued and served by the Acting Regional Director upon the Company and the four petitioning unions, a hearing was held in St. Louis, Missouri, on July 2, 3, 6, and 7, 1937, before William Seagle, the Trial Examiner duly designated by the Board. The Board, the Company, the I. A. M., the P. M. A., and the Amalgamated were represented by counsel; and the Boilermakers union was represented by its International Secretary and Treasurer. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues was afforded to all parties.

During the course of the hearing on July 2, 1937, it appeared that there was in existence at the Commonwealth plant of the Company, a labor organization known as the Works Council Plan, herein called the W. C. P., and that no formal notification of these proceedings had ever been sent to any representative thereof. The hearing was thereupon adjourned until the following day, at which time John W. Tatum, general chairman of the W. C. P., appeared and waived the right of any official notice and the right to intervene and participate in these proceedings. As general chairman of the W. C. P., Mr. Tatum has authority to take any action necessary to protect its interests.

Only one objection to the introduction of evidence was made during the course of the hearing by counsel for the parties. The Board

has reviewed the ruling of the Trial Examiner and finds that no prejudicial error was committed. The ruling is hereby affirmed.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company is a Delaware corporation, with its principal executive offices at Eddystone, Pennsylvania. Its securities are registered on the New York Stock Exchange. It has two wholly owned subsidiaries, one of which is an Illinois corporation. Its voting stock is owned one-third by the American Locomotive Company; one-third by American Steel Foundries; and one-third together by Baldwin Locomotive Works and the Pullman Company. It is engaged in the manufacture of steel castings, chiefly for use in locomotives and railroad cars.

The Company was incorporated in 1928 for the purpose of building a steel foundry at Eddystone, Pennsylvania. In 1929, before the Eddystone plant had been completed, the Company bought out the assets and assumed the liabilities of the Commonwealth Steel Company, herein called Commonwealth, an Illinois corporation, which had been operating a steel castings plant at Granite City, Illinois, since 1902.¹ Commonwealth, at the time it was bought out, was engaged almost exclusively in the production of specialty railroad castings.

Thus at present, the Company owns and operates two plants, each of which consists of a foundry, a machine shop, and service departments. The Eddystone plant occupies 112 acres, and employs 1,400 men; and the Commonwealth plant occupies 239 acres, and employs between 2,800 and 2,900 men. There are also two other plants, located at Chester, Pennsylvania, which, however, are not in operation. Altogether, the Company operates ten per cent of the country's capacity for the production of steel castings and is second in that respect only to American Steel Foundries, which, as noted above, owns one-third of its voting stock. In 1936, it produced a total of 22,500 tons of castings.

The controversy in this case concerns only the men employed at the Company's Commonwealth plant. The operations of that plant, consequently, are our chief concern. Practically all of the work is done on specifications laid down by customers. There is almost no

¹ John H. Locke, vice president of the Company in charge of production, testified that Commonwealth had been dissolved as a corporation. However a corporation of that name appears as one of the wholly-owned subsidiaries of the Company in Board's Exhibit No. 6, which is a photostatic copy of portions of the registration statement filed by the Company with the Securities and Exchange Commission. This is the Illinois corporation mentioned above.

standardization in these specifications. No stock is kept on hand, the castings being shipped as soon as they are finished. Over 90 per cent of the product is intended for use in the railroad industry, and 70 per cent is used in the manufacture of locomotives. The product consists largely of underframes and truck castings. The Commonwealth plant is the largest steel castings plant in the country, in area and in number of employees; and is the third largest, in capacity.

The chief raw materials used at the Commonwealth plant are pig and scrap iron, lime, and coal, and sand for use in making molds. Of the total amount of raw materials purchased in 1936, 24,500 tons came from within Illinois; and 22,500 tons from other states. The former figure includes 1,200 tons of scrap iron which was bought in junk yards in Illinois, but may have originated in other states. The chief items which came from outside of the State were sand and the alloys used in manufacturing steel.²

The total product of the Commonwealth plant in 1936 amounted to 10,000 tons of which only 15 per cent was shipped to points within Illinois. The balance was shipped outside of Illinois, to such states as Pennsylvania, New York, and Ohio, a very small percentage also going out of the country.

II. THE ORGANIZATIONS INVOLVED

A. *The Federation unions*

The Boilermakers union, the I. A. M., and the P. M. A., herein called collectively the Federation unions, are all labor organizations affiliated with the American Federation of Labor. The East St. Louis Local of the Boilermakers union admits to membership welders and acetylene cutters at the Commonwealth plant, as well as men working at other plants in the vicinity.³ The I. A. M. admits to membership the machinists at the plant. These men belong to several different Locals within District No. 9, and all of these Locals include men working in other plants in that District. The P. M. A. admits the pattern makers at the Commonwealth plant to membership. It also includes men working at others plants in the St. Louis area.

B. *The Amalgamated*

Amalgamated Association of Iron, Steel and Tin Workers of America is affiliated with the Steel Workers Organizing Committee

² It was stated by Mr. Locke that the percentage of raw materials purchased within the State in 1936 was below normal, because during that year very little pig iron, which the Company procures chiefly in Illinois, was purchased.

³ It was stated at the hearing that a separate local would be formed for the men at the Commonwealth plant if the Boilermakers union was certified by the Board as a representative for the purposes of collective bargaining.

and with the Committee for Industrial Organization. Local Lodge No. 1022 is restricted to men at the Commonwealth plant, and admits to membership all employees engaged in production and maintenance, exclusive of supervisory employees.

III. QUESTIONS CONCERNING REPRESENTATION

A. *The physical set-up of the plant*

A general description at this point of the nature of the work done at the Commonwealth plant will be helpful in understanding the issues involved in this case. Further details will be considered in connection with the claims of each of the unions.

On June 28, 1937, there were employed at the Commonwealth plant, in addition to some 75 supervisory and technical employees, 2,831 men.⁴ Of these, about 100 were foremen; about 130 were clerical employees; and about 80 were employed in such departments as the cafeteria and the welfare house. Of the remaining 2,520, approximately 990 were considered by a representative of the Company as skilled workers; 960, as semi-skilled; and 540, as unskilled. It will be seen that an unusually high proportion of skilled and semi-skilled employees is here involved.

The production process can be roughly divided into three parts; the production of the mold, the production and pouring of the liquid steel, and the finishing of the casting. Only about 40 men are employed at the second of these tasks, the balance of the production workers being about evenly divided between the first and third. There are, in addition, maintenance and other employees who cannot be allocated to any one of the three parts. A more detailed breakdown shows that there are eight major departments. They are the pattern makers, the core makers, and the molders, who together contribute to the making of the molds; the open hearth workers, who produce the steel⁵; the chippers, welders, and machine men, who do the finishing work; and the maintenance men. There are in addition several minor departments such as the storeroom and the powerhouse.

The plant occupies a 239-acre tract of land. Most of the work of production is done in a group of structures which for its purposes the Company considers separate buildings, but which are in fact all physically connected. Some of the departments mentioned above occupy clearly defined areas. Others, notably those in the finishing department, are wide-spread and intermingled with each other. Every department contributes to production and all are indispensable. The

⁴ Board's Exhibit No. 9 is a detailed list of the departments in the plant and the number of men employed in each on June 28, 1937.

⁵ The Company manufactures its own steel from pig and scrap iron.

work done at the plant is unusually heavy, since, as noted above, a large part of the product consists of underframes for locomotives and railroad cars, and these castings are, of course, tremendous in size.

B. The background of organization at the plant

Up to 1921, there appear to have been friendly relations between Commonwealth and several unions. Oral agreements were reached as early as 1905, and at least after 1916, relations were close enough to effectuate adjustments of wage scales. In 1919 and 1920, Commonwealth signed contracts with the Pattern Makers League; with the United Brotherhood of Carpenters and Joiners; two with the International Molders Union, one for core-makers and one for molders; with the International Association of Machinists; and with the Brotherhood of Electrical Workers. All of the contracts were for the term of one year and were substantially identical in form. They fixed wages, hours, and other terms of employment, and set up machinery for negotiation.⁶

A new phase in the labor relations at the Commonwealth plant began in 1921. During that year the plant shut down for a brief period and when it reopened, the men were asked to come back at reduced wages. This caused some resentment but little organized resistance. In July of that year Commonwealth instituted a new policy with the formation of the Works Council Plan, mentioned above. The W. C. P. has been in existence ever since, except between October 1931 and March 1934 when the plant was not in operation.⁷ Its most recent constitution indicates that the chief purpose of the W. C. P. was to provide machinery for the presentation and discussion of grievances and suggestions. The plant was divided into 14 departments, each of which had a shop committee of three men. The chairman of each of these committees was a member of the general committee.

It appears that the unions were not demolished completely by the events of 1921. Activity continued at least until 1923, but in that year an unsuccessful strike ended all attempts at bargaining with Commonwealth. From that time on and until 1937, there were no negotiations between any outside unions and the management of the plant.

The Amalgamated, in conjunction with the Steel Workers Organizing Committee, started an organizing drive at the Commonwealth

⁶ Further facts concerning early labor relations with Commonwealth are discussed separately below in connection with the welders, machinists, and pattern makers.

⁷ A representative of the Company stated that the monthly meetings of the W. C. P. were being continued as a "point of contact" with the men, and would be discontinued as soon as the issues in this case were settled. The General Chairman of the W. C. P. concurred in this statement of policy.

plant in July 1936. By March 1937 the Amalgamated felt itself to be in a position to bargain with the Company, and it presented to one of the officials a written proposal. Some time later, apparently after the middle of April, it attempted to have this proposal considered further, but was then told that certain other unions had also requested bargaining rights, and that the Company could not act until the Board had certified representatives of its employees.

There is little to show that any other unions were active at the plant prior to April 1937. On April 17, 1937, Mr. Locke, a vice-president of the Company, called a meeting of the general committee of the W. C. P. and informed them that the W. C. P. was to be discontinued. The members of the committee communicated with the American Federation of Labor and on the following day they met with Mr. Theiss, a representative of that organization. He informed them that the A. F. of L. would organize a single Federal Local at the plant, taking in all production and maintenance men. A meeting of Commonwealth employees was called for April 20, 1937, and at this meeting, which took place at the A. F. of L. office in Granite City, Mr. Theiss informed the men that they would be expected to join the several unions corresponding to the various crafts at the plant. There was considerable dissatisfaction at this change of plan, and 90 per cent of the 700 men present left the meeting and went to the office of the Amalgamated in the same building and signed application cards to that union. A similar course of events occurred on the following morning at a meeting held for the employees on the night shift which was attended by about 450 men. Nevertheless, the Federation unions were successful in procuring a substantial number of members, and they too applied to the management of the Company for recognition. They were told that in view of the claims of the Amalgamated, the Company could not act without the approval of the Board.

C. The claims of the various Unions

The P. M. A. claims to represent the pattern makers, pattern maker apprentices, and some of the handymen employed in the pattern shops. These groups total about 175. There can be little question as to their essential separability. Pattern making is done in two pattern shops that occupy a clearly defined area. The men are very rarely called to do work elsewhere in the plant. While there are some men in the pattern shops who are not claimed by the P. M. A., these are chiefly common laborers, such as pattern carriers. The pattern makers constitute one of the most highly skilled groups in the foundry. Their department is considered a separate unit on

the Company's management chart, and it was also treated as one of the 14 departments in the W. C. P.

The Pattern Makers League of North America, the parent body of the P. M. A., had a separate written contract with Commonwealth in 1920, and as early as 1905, had oral agreements providing for union hiring. It procured an adjustment of wages in 1917 and was among the last to retain its early organization abandoning it only after the strike of 1923, in which it participated. In May 1937 the P. M. A. submitted a detailed written proposal to the management of the Company, which has not been acted on. It claims a membership, at present, of 131 men at the plant,⁸ but the names of some at least of the men on its list appear also on the list of the Amalgamated. Finally it may be noted that the P. M. A. has oral contracts with many steel plants in the St. Louis vicinity.

The Boilermakers union claims to represent the welders and acetylene cutters employed by the Company. These groups total about 170 men. With the apparent exception of only a small number, they operate in the finishing department. Their work is spread out all over the plant, but they have a building which constitutes their center of operations, and they are under a single general foreman. They also appear separately on the Company's management chart. In the W. C. P. they were treated as a department together with some common laborers and clerical workers. Although they work to some extent under the supervision of the foremen in charge of the departments to which they are sent, they are assigned to jobs by their own foremen and report to the latter in case of trouble or difficulty. They are considered skilled laborers.

The Boilermakers union was not among the unions which had contracts with Commonwealth in 1920. The men it now claims were apparently included in the I. A. M. contract of that period. As early as 1934, however, it made an attempt to bargain with the Company, but was told at that time that the W. C. P. was satisfactory to the management.

The names of 86 members of the Boilermakers union were read into the record. There is a certain amount of duplication between these names and those appearing in the Amalgamated list. Also they seem to include some men who are not within the groups claimed by the Boilermakers union. These names have not been checked against the Company pay roll.

The I. A. M. claims to represent the maintenance machinists employed in the three machine shops at the plant. It does not appear from the record how many men this includes. Of the three Fed-

⁸The P. M. A. read into the record the names of 117 men who appear in their records as paid-up members. They also submitted photostatic copies of 14 application cards. The names submitted by them have not been checked against the Company pay roll.

eration unions, its claim to jurisdiction has been the most difficult to apprehend. Nevertheless, it appears that while these machinists are sent all over the foundry, they work out of three machine shops, each of which has its own foreman. These three shops, together with a few other sub-departments such as the blacksmiths and pipe fitters constitute the maintenance department on the Company's management chart. Their work is skilled, and consists of building special tools and jigs, and in repairing and maintaining machines throughout the shop. In the W. C. P. they had representation together with the balance of the repair department.

Although the I. A. M. was among the unions which had contracts with Commonwealth in 1920, it included at that time a far broader group than that claimed now. It had between 400 and 500 members and seems to have taken in all production workers who were not within the jurisdiction of the other unions which procured contracts. Previous to 1920 it had oral contracts with Commonwealth as far back as 1909, and it continued to have a large membership at the plant until 1923.

The I. A. M. introduced in evidence a list of 64 members now working at the plant. There appears to be little duplication between this list and that of the Amalgamated. As in the case of the other two Federation unions, these names have not been checked against the Company pay roll. The I. A. M. has contracts with several other steel plants in the St. Louis area.

The Amalgamated claims to represent all production and maintenance workers, exclusive of clerical and supervisory employees. These appear to total between 2,400 and 2,450. It introduced in evidence photostatic copies of its membership cards which were checked against the Company payroll for July 16, 1937. This check showed 2,121 members at the plant. Although its cards included those of seven janitors and four cafeteria workers, there can be little doubt that the Amalgamated has a substantial majority of the men it claims to represent. It may be noted that the Amalgamated has contracts with nearly all of the steel mills in the St. Louis area.

IV. THE APPROPRIATE UNIT

The Amalgamated contends that the entire Commonwealth plant should be treated as a single unit appropriate for the purposes of collective bargaining; and in view of the evidence of the essential interrelation of the various departments of the plant, there can be little doubt that the Board could find that the unit claimed is a logical one. The Federation unions, however, have shown that there exist in the plant separate groups which, in the absence of conflicting claims by other unions, could be found by the Board to constitute separate units appropriate for the purposes of collective bargaining.

They have, in addition, shown that they have a substantial number of members in each of these groups. The Board has held, in a somewhat similar situation,⁹ that in such a case, the men in the smaller groups claimed should be given an opportunity to determine for themselves whether they desire to be represented separately or together with the balance of the plant.

We will, therefore, order elections to be held separately for the pattern makers, for the welders and acetylene cutters and for the maintenance machinists. It will not be necessary to hold an election of the employees outside of these three groups. The Amalgamated has introduced satisfactory evidence of at least 2100 members among the at most 2450 men in the unit which it claims. The three groups claimed by the Federation unions together do not include more than 450 men. If we assume, for the purpose of determining whether it has a majority of the men outside of the three smaller units, that all of the 450 men in those units are among the 2100 members of the Amalgamated, it is clear that that union would still have a clear majority of 1650 out of the 2000 men in question.

No certification of the Amalgamated will be made, however, until the men in the smaller units have had an opportunity to decide whether they desire to join with the larger group. Upon the outcome of the elections ordered in these smaller units will depend the determination of the appropriate unit for the purposes of collective bargaining. Such of the groups as do not choose the Amalgamated will constitute separate and distinct appropriate units, and such as do choose the Amalgamated will, together with the balance of the production and maintenance workers, constitute a single appropriate unit.

All of the parties stipulated at the hearing that in any election which the Board might order those men should be allowed to vote who were on the pay-roll of the Company for the Commonwealth plant at the time of the payment of wages immediately preceding the date on which elections were ordered, except for those employees who voluntarily left between that date and the date of the elections.

V. THE EFFECT OF THE QUESTIONS OF REPRESENTATION ON COMMERCE

We find that the questions of representation which have arisen, occurring in connection with the operations of the Company described in Section I above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

⁹ In the *Matter of The Globe Machine and Stamping Co. and Metal Polishers Union, Local No. 3, International Association of Machinists, District No. 54, Federal Labor Union, 1378, and United Automobile Workers of America*, Cases No. R 178-180, decided August 11, 1937, *supra*, p. 294.

CONCLUSION OF LAW

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

Questions affecting commerce have arisen concerning the representation of the employees of Commonwealth Division of General Steel Castings Corporation, 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, 49 Stat. 449, and pursuant to Article III, Section 8 of National Labor Relations Board Rules and Regulations—Series 1, as amended, it is

DIRECTED that, as part of the investigations authorized by the Board to ascertain representatives for the purposes of collective bargaining with Commonwealth Division of General Steel Castings Corporation, elections by secret ballot shall be conducted within fifteen (15) days from the date of this Direction, under the direction and supervision of the Acting Regional Director for the Fourteenth 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 those employees of General Steel Castings Corporation who are employed in its Commonwealth Division, and who fall within the groups described below:

(a) The welders and acetylene cutters, to determine whether they desire to be represented by International Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of America, affiliated with the American Federation of Labor, or Amalgamated Association of Iron, Steel and Tin Workers of America, Local Lodge No. 1022, affiliated with the Committee for Industrial Organization, for the purposes of collective bargaining, or by neither.

(b) The maintenance machinists, to determine whether they desire to be represented by International Association of Machinists, District No. 9, affiliated with the American Federation of Labor, or Amalgamated Association of Iron, Steel and Tin Workers of America, Local Lodge No. 1022, affiliated with the Committee for Industrial Organization, for the purposes of collective bargaining, or by neither.

(c) The pattern makers, to determine whether they desire to be represented by Pattern Makers Association of St. Louis and Vicinity, affiliated with the American Federation of Labor, or Amalgamated Association of Iron, Steel and Tin Workers of America, Local Lodge No. 1022, affiliated with the Committee for Industrial Organization, for the purposes of collective bargaining, or by neither.

And that only those employees above described be allowed to participate in the said elections who were on the pay roll of Commonwealth Division of General Steel Castings Corporation at the time of the payment of wages immediately preceding the date of this Direction, exclusive of those who have voluntarily left the employ of the said Company or who have been discharged for cause between that date and the date of the elections.

[SAME TITLE]

AMENDMENT TO DIRECTION OF ELECTIONS

October 19, 1937

On October 4, 1937, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Elections in the above-entitled case. The Direction of Elections provided that elections by secret ballot be conducted within fifteen (15) days, among three groups of employees of Commonwealth Division of General Steel Castings Corporation, to determine whether they desired to be represented by one of three unions affiliated with the American Federation of Labor or by the Amalgamated Association of Iron, Steel and Tin Workers of America, Local Lodge No. 1022, herein called the Amalgamated, or by neither, for the purposes of collective bargaining.

On October 18, 1937, the Amalgamated filed a petition with the Board requesting that its name be withdrawn from the ballot in all three of the elections, and that the election be postponed. In order to give consideration to the issues raised by this petition the Board hereby

DIRECTS that the elections which on October 4, 1937, were directed to be held in the above-entitled case be postponed for ten (10) days.

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

[SAME TITLE]

AMENDMENT TO DECISION AND DIRECTION OF ELECTIONS

October 20, 1937

On October 4, 1937, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Elections in the above-entitled case. The Direction of Elections provided that elec-

tions by secret ballot be conducted within fifteen (15) days among three groups of employees of Commonwealth Division of General Steel Castings Corporation, to determine whether they desired to be represented by one of three unions affiliated with the American Federation of Labor or by the Amalgamated Association of Iron, Steel and Tin Workers of America, Local Lodge No. 1022, herein called the Amalgamated, or by neither, for the purposes of collective bargaining.

On October 18, 1937, the Amalgamated filed a petition with the Board requesting that its name be withdrawn from the ballot in all three of the elections, and that the elections be postponed. On October 19, 1937, the Board, in order to give consideration to the issues raised by this petition, issued an Amendment to the Direction of Elections postponing the elections for ten days.

Upon consideration of the petition, the Board believes that the Direction of Elections should be further amended to provide that the men in each of the three groups will decide merely whether or not they desire to be represented by the American Federation of Labor union claiming to represent the group in question. We will amend our Decision to conform to this change in the Direction of Elections.

Therefore the Decision in the above-entitled case, issued on October 4, 1937, is amended by striking therefrom the third paragraph of the Findings of Fact, Section IV, and substituting therefore the following:

No certification of the Amalgamated will be made, however, until the men in the smaller units have had an opportunity to decide whether or not they desire to be represented by one of the Federation unions. Such of the groups as choose to be represented by one of these unions will constitute separate and distinct appropriate units, and such as do not so choose will be excluded from any of the units found by the Board to be appropriate.

The Direction of Elections is hereby amended by striking therefrom the words, "within fifteen (15) days from the date of this Direction", and substituting therefor the words, "within ten (10) days after October 20, 1937;" and it is further amended by striking therefrom paragraphs (a), (b), and (c), and substituting therefor the following:

(a) The welders and acetylene cutters, to determine whether or not they desire to be represented by International Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

(b) The maintenance machinists, to determine whether or not they desire to be represented by International Association of Machinists, District No. 9, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

(c) The pattern makers, to determine whether or not they desire to be represented by Pattern Makers Association of St. Louis and Vicinity, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

The Amendment to the Direction of Elections issued by the Board on October 19, 1937, is hereby withdrawn.