

IN THE MATTER OF VALLEY MOULD AND IRON CORPORATION *and* LODGE  
1029, AMALGAMATED ASSOCIATION OF IRON, STEEL, AND TIN WORKERS  
OF NORTH AMERICA

*Case No. R-542.—Decided February 4, 1938*

*Mr. Jack G. Evans*, for the Board.

*Mr. Walker Butler*, of Chicago Ill., for the Independent.

*Mr. John J. Brownlee*, of Chicago, Ill., for the S. W. O. C.

*Pope & Ballard*, by *Merrill Shepard*, of Chicago, Ill., for the  
Company.

*Mr. Abraham J. Harris*, of counsel to the Board.

*Iron Ingot Manufacturing Industry—Investigation of Representatives: controversy concerning representation of employees: rival organizations; refusal of employer to recognize petitioning union as exclusive bargaining agent until question of representation is determined; prior strike—Unit Appropriate for Collective Bargaining: production and maintenance employees; stipulation as to—Election Ordered*

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

On June 18, 1937, Lodge No. 1029, Amalgamated Association of Iron, Steel, and Tin Workers of North America,<sup>1</sup> herein called the Amalgamated, filed with the Regional Director of the Thirteenth Region (Chicago, Illinois) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Valley Mould and Iron Corporation, Chicago, Illinois, herein called the Company, 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 December 8, 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

<sup>1</sup> On December 31, 1937, an amended petition was filed without objection by the Steel Workers Organizing Committee for Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 1029.

1, as amended, ordered an investigation and authorized the Regional Director to conduct it and to provide for an appropriate hearing upon due notice.

On December 29, 1937, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, upon the Amalgamated, and upon the Valley Mould Independent Employees' Union, South Chicago Works, herein called the Independent, a labor organization claiming to represent employees directly affected by the investigation. Pursuant to the notice a hearing was held on January 6, 1938, at Chicago, Illinois, before William Seagle, the Trial Examiner duly designated by the Board. At the hearing, the Independent was granted leave to intervene without objection. The Board, the Company, the Independent, and the Amalgamated were represented by counsel and participated in the hearing. Full opportunity to be heard, to examine and to cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. During the course of the hearing the Trial Examiner made several rulings on motions. The Board has reviewed the rulings of the Trial Examiner 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 BUSINESS OF THE COMPANY

The Company is a corporation organized under the laws of the State of New York, having plants at Hubbard, Ohio, where its main office is also located, and at Chicago, Illinois, herein called the Chicago Plant, which is the plant here involved. It is engaged at the Chicago Plant in the manufacture and sale of pig iron ingots, making them only on order and not for stock.

The Company purchases the greater portion of the raw materials used in its Chicago plant, consisting principally of hot metal, from within the State of Illinois. Approximately 68 per cent of its finished product is shipped out of Illinois, principally to customers in Indiana, Missouri, and Minnesota.

##### II. THE ORGANIZATIONS INVOLVED

Amalgamated Association of Iron, Steel, and Tin Workers of North America, Lodge No. 1029, is a labor organization affiliated with the Committee for Industrial Organization, admitting to its membership all production and maintenance employees of the Chicago Plant, excluding clerical and supervisory employees.

Valley Mould Independent Employees' Union, South Chicago Works, is a labor organization, admitting to its membership all pro-

duction and maintenance employees of the Chicago Plant, excluding clerical and supervisory employees.

### III. THE QUESTION CONCERNING REPRESENTATION

The Amalgamated was chartered on September 15, 1936. The Independent was incorporated under the laws of the State of Illinois on June 15, 1937. Each claims to have as members a majority of the employees of the Chicago Plant, the Amalgamated claiming 234, and the Independent, 175.

The Amalgamated and the Independent each negotiated with the Company asking for recognition as the exclusive collective bargaining representative of the employees of the Chicago Plant. On account of the conflicting claims, the Company refused to recognize either organization. Following the failure of negotiations, the employees went on strike. The strike lasted from May 30, 1937 to July 9, 1937, during which time production at the Chicago Plant and the shipping of the Company's products out of the said plant were affected. At the hearing, the Amalgamated claimed that work was resumed after the strike with the understanding that the Board would decide the question concerning representation.

We find that a question has arisen concerning representation of employees of the Company.

### IV. THE EFFECT OF THE QUESTION CONCERNING REPRESENTATION UPON COMMERCE

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

### V. THE APPROPRIATE UNIT

The work performed by the production and maintenance employees of the Chicago Plant is of a closely integrated nature, all the men working together on a line of production, the various men being shifted from one job to another as necessity requires. At the hearing, it was stipulated that the appropriate unit is all hourly paid and piece-work production and maintenance employees, excluding clerical employees, office help and foremen. We see no reason for not adopting the appropriate unit so stipulated.

We find that the hourly paid and piece-work production and maintenance employees of the Company at the Chicago Plant, excluding clerical and supervisory employees, constitute a unit appropriate for

the purposes of collective bargaining and that said unit will insure to employees of the Company the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.

#### VI. THE DETERMINATION OF REPRESENTATIVES

The Amalgamated and the Independent each claims to represent a majority of the employees in the appropriate unit, but no evidence was introduced at the hearing upon the basis of which we can make a finding that a majority of the employees in the appropriate unit have designated and selected either of said organizations as their representative for the purposes of collective bargaining. We, therefore, find that an election by secret ballot is necessary to resolve the question concerning representation.

At the hearing it was stipulated that the employees in the appropriate unit on the pay roll of the Company as of May 31, 1937 (the day following that on which the strike commenced), as introduced in evidence, excluding two specified persons whose employment had been terminated prior to that date and excluding those who have since quit or been discharged, shall be eligible to vote.

We find that the employees in the appropriate unit who were on the pay roll of the Company as of May 31, 1937, excluding those named in the pay roll but whose employment had been terminated prior to May 31, 1937, and excluding those who have since quit or been discharged for cause, shall be eligible to vote.

On the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

#### CONCLUSIONS OF LAW

1. A question affecting commerce has arisen concerning the representation of employees of Valley Mould and Iron Corporation, at its Chicago, Illinois, plant, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. The hourly paid and piece-work production and maintenance employees of the Company at its Chicago, Illinois, plant, excluding clerical and supervisory employees, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act.

#### 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, 49 Stat. 449, 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 a part of the investigation ordered by the Board to ascertain representatives for the purposes of collective bargaining with Valley Mould and Iron Corporation, Chicago, Illinois, an election by secret ballot be conducted within fifteen (15) days from the date of this Direction under the direction and supervision of the Regional Director for the Thirteenth 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 the hourly paid and piece-work production and maintenance employees of Valley Mould and Iron Corporation at its Chicago, Illinois, plant who were on its pay roll as of May 31, 1937, excluding clerical and supervisory employees, those named in the pay roll but whose employment had been terminated prior to May 31, 1937, and those who have since quit or been discharged for cause, to determine whether they desire to be represented by Steel Workers Organizing Committee for Amalgamated Association of Iron, Steel, and Tin Workers of North America, Lodge No. 1029, affiliated with the Committee for Industrial Organization, or Valley Mould Independent Employees' Union, South Chicago Works, for the purposes of collective bargaining, or by neither: