

In the Matter of GREAT LAKES ENGINEERING WORKS *and* WELDERS
INTERNATIONAL ASSOCIATION

Case No. R-548.—Decided March 4, 1938

Shipbuilding and Repair Industry—Investigation of Representatives: controversy concerning representatives: rival organizations; refusal of employer to negotiate with petitioning union as representative of its employees—*Unit Appropriate for Collective Bargaining:* welders, burners, and their apprentices and helpers; segregation into one department; history of collective bargaining relations with employer; eligibility for membership in both of rival organizations—*Election Ordered*

Mr. George J. Bott, for the Board.

Hill, Humblen, Essery & Lewis, by *Mr. John K. Worley*, of Detroit, Mich., for the Company.

Mr. Jack N. Tucker, of Detroit, Mich., for Welders International Association.

Mr. William S. McDowell, of Detroit, Mich., for Down River Shipbuilders' Association.

Mr. Bliss Daffan, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

On October 13, 1937, Local No. 31,¹ Welders International Association, herein called Local No. 31, filed with the Regional Director of the Seventh Region, Detroit, Michigan, a petition alleging that a question affecting commerce had arisen concerning the representation of employees of the Great Lakes Engineering Works, River Rouge, Michigan, 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.² On November 2, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act

¹ Incorrectly designated as Welders International Association in the order directing investigation.

² The original petition alleged that the appropriate unit consisted of welders, apprentices and burners but it was amended at the commencement of the hearing to allege that the appropriate unit consists of welders and their apprentices.

and Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 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 November 24, 1937, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, upon Local No. 31, and upon the Down River Shipbuilders' Association, herein called the Down River, a labor organization claiming to represent employees directly affected by the investigation. Pursuant to the notice, a hearing was held on December 2 and 3, 1937, at Detroit, Michigan, before William R. Ringer, the Trial Examiner duly designated by the Board. The Board, the Company, Local No. 31, and the Down River were represented by counsel and 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 parties. During the course of the hearing the Trial Examiner made several rulings on motions and on objections to the admission of evidence. 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 COMPANY³

The Company, a Michigan corporation, with its principal office and plant at River Rouge, Michigan, is engaged in shipbuilding and ship repairing. Other plants of the Company are located at Ashtabula, Ohio, and Detroit, Michigan. It is the second largest of the four principal shipbuilding and ship repairing plants of the Great Lakes. In 1937 it completed two ships and was engaged in building two others which were practically completed at the time of the hearing. The two completed ships were for the Ford Motor Company to be used in transporting automobile parts from River Rouge to Edgewater, New Jersey. The two ships being built are for the Pittsburgh Steamship Company to be used in transporting iron ore from the northern ranges to the Lake Erie Docks. Approximately 50 to 60 ships engaged in transportation on the Great Lakes are docked each year at the River Rouge plant for the purposes of repairs.

During 1937, \$1,250,000 was spent for raw material, a large part being for steel obtained from Illinois and Pennsylvania. Turbines to be used in the new ships constructed were shipped from Massa-

³ See *Matter of Great Lakes Engineering Works and Detroit Metal Trades Council*, 3 N L R B 825.

achusetts at a cost of \$250,000 each. The monthly pay roll of the Company is from \$50,000 to \$60,000.

II. THE ORGANIZATIONS INVOLVED

Local No. 31, Welders International Association, is a labor organization admitting to its membership all welders, burners, and their apprentices and helpers, employed at the River Rouge plant of the Company.

Down River Shipbuilders' Association is a labor organization admitting to its membership all hourly paid or piece-work employees of the Company, exclusive of those having authority to employ, discharge or discipline other employees.

III. THE QUESTION CONCERNING REPRESENTATION

The controversy herein is over the representation of the employees in the Burning and Welding Department of the Company. This department is composed of welders, burners, and their apprentices and helpers.

On April 23, 1937, Local No. 31 entered into a contract with the Company as the bargaining representative of the welders, burners, and their apprentices and helpers. This contract was for a period of six months. During the latter part of September negotiations took place between Local No. 31 and the Company for a new contract to take effect upon the expiration of the old contract on October 23, 1937. The Company refused to enter into a contract because of the insistence of the organization for a closed-shop provision, and also because of the claim of membership among these employees made by Down River. Upon such refusal, most of the welders in the employment of the Company at the time engaged in a strike of short duration.

The record shows that on October 14, 1937, Down River, claiming to represent a majority of the welders, burners, and their apprentices and helpers, employed by the Company, requested recognition as the representative of these employees.

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 to labor disputes burdening and obstructing commerce and the free flow of commerce.

V. THE APPROPRIATE UNIT

In its original petition filed herein Local No. 31 alleged that the appropriate unit consisted of welders, apprentices, and burners in the employ of the Company. However, in its amended petition it included only welders and their apprentices in the claimed unit. Down River claims that the appropriate unit consists of welders, burners, and their apprentices and helpers.

In most industries welding and burning are operations performed by skilled workmen in connection with their work in a broader field, as for example, the craft of boiler making. Welding and burning are performed in connection with the construction and repair of boilers which requires, in addition, craftsmen particularly skilled in other operations. This is also true of nearly every industry requiring use of the burning or welding process. Consequently, welders and burners, or either alone, do not constitute a distinct craft and are in most cases necessarily merged into crafts with which their work is associated. However, an exception to the general rule as to the association of burning and welding with other operations exists in this case. The record shows that the welders, burners, helpers and apprentices employed by the Company have been segregated into one department under one foreman for a period of 20 years. This segregation of welders and burners into a separate department is peculiar to the shipbuilding industry and is a practical separation due to the fact that welding, or burning, in shipbuilding is a large-scale operation that is not associated with other work. A great amount of welding is required in joining steel plate in the construction of the hull of a vessel. The burners and welders have similar and connected tasks, the burners cutting the metals used in repairing or constructing vessels, and the welders piecing it together. The welding, in most instances, must be watertight and requires a high degree of skill. Practically all the welders in the employment of the Company can do burning, and a large percentage of the burners employed at the time of the hearing can do welding. The men are used interchangeably and are frequently sent out on a job to do both types of work. Apprentices and helpers are employed to assist both the welders and burners alike without discrimination as to the type of work.

Evidence was introduced on behalf of Local No. 31 showing that it takes a longer period of time to become an expert welder than to become a burner, and that the pay rate of welders is somewhat higher. Admittedly this is true, but the constitution of the Welders International Association introduced in evidence shows that burners, as well as welders, are eligible for membership in the organization. It also appears that the apprentices learn burning as a preliminary step in becoming expert at welding. Local No. 31 asserted the pro-

priety of a unit composed of welders, burners, and their helpers and apprentices when it entered into the contract with the Company on April 23, 1937, as the bargaining representative for this group. Prior to the expiration date of this contract it again attempted to negotiate with the Company as the representative of this group as a unit. At the time of filing the petition herein Local No. 31 again asserted this unit to be appropriate, and only upon the first day of the hearing amended the petition so as to exclude burners and helpers.

We find that the welders, burners, and their apprentices and helpers, in the employ of the Company, constitute a unit appropriate for the purposes of collective bargaining and that said unit will insure these employees the full benefit of their rights to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.

VI. THE DETERMINATION OF REPRESENTATIVES

No evidence was introduced on behalf of Local No. 31 as to membership among the employees within the unit found appropriate. There was some evidence indicating that some of these employees had joined both organizations. Down River introduced petitions dated November 1, 1937, authorizing that organization to act as the exclusive bargaining representative of 34 signers. No evidence showing the individual employees of the Company within the unit at or near the time of the hearing was introduced from which the names on the petitions could be verified as employees of the Company.

We find that the question which has arisen concerning representation can best be resolved by the holding of an election by secret ballot.

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 Great Lakes Engineering Works, River Rouge, Michigan, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. Welders, burners, and their apprentices and helpers, employed by the Company 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, 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 Great Lakes Engineering Works, Chicago, Illinois, 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 Seventh 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 welders, burners, and their apprentices and helpers, employed by the Great Lakes Engineering Works at any time during the pay-roll period next preceding the filing of the petition in this case, excluding employees who quit or were discharged for cause between such date and the date of election, to determine whether they desire to be represented by Local No. 31, Welders International Association or by Down River Shipbuilders' Association, for the purposes of collective bargaining, or by neither.