

In the Matter of ATLANTIC BASIN IRON WORKS *and* INDUSTRIAL UNION OF MARINE AND SHIPBUILDING WORKERS OF AMERICA, LOCAL No. 13

Case No. R-566

CERTIFICATION OF REPRESENTATIVES

April 6, 1938

On February 18, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled case.¹ The Direction of Election provided that an election by secret ballot be held within fifteen (15) days from the date of the Direction among the production and maintenance employees of the Atlantic Basin Iron Works, herein called the Company, excluding salaried persons in executive or supervisory positions and snappers who do not work with tools, and also excluding timekeepers, clerical and office employees, janitors and janitresses, draftsmen, and engineering department employees who are engaged in technical or experimental work requiring special training or skill, who were named on the pay rolls of the Company either for the week ending June 9, 1937, or for the week ending September 22, 1937, to determine whether they desired to be represented by Industrial Union of Marine and Shipbuilding Workers of America, Local No. 13, affiliated with the Committee for Industrial Organization, herein called Local 13, or by the American Federation of Labor, herein called the A. F. of L., for the purposes of collective bargaining, or by neither. On February 25, 1938, the Board issued an Amendment to Direction of Election, which struck from the Direction the words "within fifteen (15) days from the date of this Direction" and substituted therefor the words "within twenty-five (25) days from the date of this Direction."²

Pursuant to the Direction as amended, an election by secret ballot was conducted on March 7, 1938. Full opportunity was accorded to all of the parties to this investigation to participate in the conduct of the secret ballot and to make challenges. On March 9, 1938, Elinore M. Herrick, Regional Director for the Second Region (New York City), acting pursuant to Article III, Section 9, of National

¹ 5 N. L. R. B. 402.

² 5 N. L. R. B. 408.

Labor Relations Board Rules and Regulations—Series 1, as amended, issued her Intermediate Report Upon Secret Ballot, copies of which were duly served upon all parties to the proceeding.

As to the balloting and its results the Regional Director reported as follows:

Total number eligible.....	418
Total number of ballots cast.....	279
Total number of ballots counted.....	275
Total number of votes in favor of Industrial Union of Marine and Shipbuilding Workers of America, Local No. 13, affiliated with the Committee for Industrial Organization.....	236
Total number of votes in favor of the American Federation of Labor.....	26
Total number of votes for neither organization.....	13
Total number of blank ballots.....	0
Total number of void ballots.....	3
Total number of challenged ballots.....	1

Subsequent to the service of the Intermediate Report, Marine Local No. 277, International Brotherhood of Electrical Workers, affiliated with the Marine Workers Metal Trades Council, herein called Local 277, and Marine Workers Metal Trades District Council, both Councils consisting of unions affiliated with the A. F. of L., filed protests objecting to the certification of Local 13. Having found that the protests raised no substantial nor material issue, the Regional Director forwarded the Intermediate Report to Washington, D. C.

On March 22, 1938, Local 277 filed with the Board in Washington objections to the Intermediate Report, stating that the electricians and helpers employed by the Company, by virtue of their skill, craftsmanship, and membership in Local 277, constitute a unit appropriate for the purposes of collective bargaining, and stating that such employees who are members of Local 277 request that they and all other electricians in the employ of the Company eligible to membership in Local 277 be set aside as a distinct unit for such purposes.

On the same date, Local 277 also filed a petition alleging that a question had arisen concerning the representation of electricians and helpers employed by the Company, and requested an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449.

At the hearing before the Trial Examiner on December 15 and 20, 1937, the Marine Workers Metal Trades Council, with which Local 277 is affiliated, was represented and sought a unit which included electricians and helpers, along with other production and maintenance employees of the Company. Under these circumstances, we shall dismiss the petition of Local 277 and overrule its objections to the Intermediate Report.

On March 22, 1938, a motion was filed by the A. F. of L. on behalf of Local 277 and other organizations affiliated with the Marine Workers Metal Trades Council, requesting that the Board make "an affirmative declaration that the certification made as a result of the election on March 7, 1938, does not include employees of subcontractors, and that such employees shall be represented by the Union selected by a majority in the appropriate unit". It is clear that the Decision and Direction of Election, issued by the Board on February 18, 1938, and this Certification of Representatives are limited in their scope to employees of the Company and do not apply to employees of subcontractors, under contract with the Company. The motion filed by the A. F. of L. therefore need not be considered and it is hereby denied.

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, Sections 8 and 9, 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. 13, affiliated with the Committee for Industrial Organization, has been designated and selected by a majority of the production and maintenance employees of Atlantic Basin Iron Works, Brooklyn, New York, excluding salaried persons in executive and supervisory positions and snappers who do not work with tools, and also excluding timekeepers, clerical and office employees, janitors and janitresses, draftsmen, and engineering department employees who are engaged in technical or experimental work requiring special training or skill, as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, Industrial Union of Marine and Shipbuilding Workers of America, Local No. 13, affiliated with the Committee for Industrial Organization, 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.