

In the Matter of COMBUSTION ENGINEERING COMPANY, INC. and STEEL WORKERS ORGANIZING COMMITTEE, FOR AND IN BEHALF OF AMALGAMATED ASSOCIATION OF IRON, STEEL AND TIN WORKERS OF NORTH AMERICA

Case No. R-242

SUPPLEMENTAL DECISION
AND
CERTIFICATION OF REPRESENTATIVES

April 7, 1938

On February 16, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election¹ which provided, *inter alia*, that three elections be held among the employees of the Hedges-Walsh-Weidner division of Combustion Engineering Company, Inc., except those employed in the foundry.

In its Decision, the Board made no final determination as to the appropriate units for the purposes of collective bargaining, except that the foundry employees constitute an appropriate unit for such purposes. The International Association of Machinists, Lodge No. 56, herein called the I. A. M., contended that the following classified employees, herein called the Machinists, constitute an appropriate unit: All machinists, machinists' helpers and apprentices, header-mill specialists, drill-press operators and helpers, milling-machine operators, drill-machine operators, bolt-machine operators, handy men, engineers, crane operators employed in the machine shops, planer operators, repairmen, maintenance men, and toolroom helpers, exclusive of those employed in the foundry. International Brotherhood of Boilermakers, Iron Shipbuilders & Helpers, Subordinate Lodge No. 656, herein called the Brotherhood, contended that the following classified employees, herein called the Boilermakers, constitute an appropriate unit: All boilermakers and helpers, welders and welding-machine operators, welders' helpers and apprentices, galvanizers, form-press operators, form-machine operators, fit-up men (except those working on cast iron boiler castings), layers-out and helpers, chippers, grinders, burners, furnace operators, riveters and rivet-machine operators, rivet heaters, reamers, rod-room men, testers, test-

¹ 5 N L R B 344; see also Amendment to Direction of Elections of March 7, 1938 (5 N L R B 356)

pit helpers, boilermakers' mechanics, tube men, inspectors and helpers, punch-shear operators, X-ray helpers, subforemen, flange workers, and tapping-machine operators and helpers, exclusive of those employed in the foundry. Steel Workers' Organizing Committee, herein called the S. W. O. C., contended that all of the above-designated employees, together with other production and maintenance employees, except supervisory employees, clerical employees, and foundry employees constitute an appropriate unit. The Board stated that since any of the contentions could be sustained it would direct that separate elections be held among the Machinists, the Boilermakers, and all other production and maintenance employees, except supervisory employees, clerical employees, and foundry employees, and would decide the issue on the basis of the preferences indicated by the employees in the election. It therefore directed that elections by secret ballot be held (a) among the Machinists to determine whether they desire to be represented by the I. A. M. or the S. W. O. C., for the purposes of collective bargaining, or by neither; (b) among the Boilermakers to determine whether they desire to be represented by the Brotherhood or the S. W. O. C., for the purposes of collective bargaining, or by neither; and (c) among all other production and maintenance employees, except supervisory employees, clerical employees, and foundry employees, to determine whether they desire to be represented by the S. W. O. C., for the purposes of collective bargaining. Upon the results of the elections would depend the determination of the appropriate unit or units. Such of the groups not choosing the S. W. O. C. would constitute separate and distinct appropriate units and such of the groups choosing the S. W. O. C. would together constitute a single appropriate unit.

Pursuant to the Direction of Elections, secret ballots were conducted on March 21, 1938. Full opportunity was accorded the parties to the investigation to participate in the conduct of this secret ballot and to make challenges. On March 24, 1938, the Regional Director caused to be served on the parties to this proceeding his Intermediate Report on the conduct of the ballots. No objections or exceptions to the Intermediate Report were filed by any of the parties.

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

Machinists

Total number eligible.....	149
Total ballots cast.....	130
Total number of ballots cast for I. A. M.....	92
Total number of ballots cast for S. W. O. C.....	31
Total number of ballots cast for neither.....	0
Total number of challenged ballots.....	7
Total number of blank ballots.....	0
Total number of void ballots.....	0

Boilermakers

Total number eligible.....	510
Total ballots cast.....	382
Total number of ballots cast for the Brotherhood.....	158
Total number of ballots cast for S. W. O. C.....	199
Total number of ballots cast for neither.....	11
Total number of challenged ballots.....	8
Total number of blank ballots.....	0
Total number of void ballots.....	6
All other production and maintenance employees, except supervisory employees, clerical employees, and foundry employees	
Total number eligible.....	203
Total ballots cast.....	113
Total number of ballots cast for S. W. O. C.....	67
Total number of ballots cast against S. W. O. C.....	36
Total number of challenged ballots.....	9
Total number of blank ballots.....	0
Total number of void ballots.....	1

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

SUPPLEMENTAL FINDINGS OF FACT

We find that the following groups of employees of the Hedges-Walsh-Weidner division of Combustion Engineering Company, Inc., constitute units appropriate for the purposes of collective bargaining, and that such units insure to the employees of the Company the full benefit of the right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act:

- (a) All employees herein classified as Machinists;
- (b) All employees herein classified as Boilermakers, together with all other production and maintenance employees, except Machinists, supervisory employees, clerical employees, and foundry employees.

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

SUPPLEMENTAL CONCLUSION OF LAW

The following employees of the Hedges-Walsh-Weidner division of Combustion Engineering Company, Inc. constitute units appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act:

- (a) All employees herein classified as Machinists;
- (b) All employees herein classified as Boilermakers, together with all other production and maintenance employees, except Machinists, supervisory employees, clerical employees, and foundry employees.

CERTIFICATION OF REPRESENTATIVES

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 CERTIFIED that International Association of Machinists, Lodge No. 56, has been designated and selected by a majority of the machinists, machinists' helpers and apprentices, header-mill specialists, drill-press operators and helpers, milling-machine operators, drill-machine operators, bolt-machine operators, handy men, engineers, crane operators employed in the machine shops, planer operators, repairmen, maintenance men, and toolroom helpers, exclusive of those employed in the foundry, of Hedges-Walsh-Weidner division of Combustion Engineering Company, Inc., as their representative for the purposes of collective bargaining, and that pursuant to the provisions of Section 9 (a) of the Act, International Association of Machinists, Lodge No. 56, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to wages, rates of pay, hours of work, and other conditions of employment; and

IT IS HEREBY CERTIFIED that Amalgamated Association of Iron, Steel and Tin Workers of North America has been designated and selected by a majority of the boilermakers and helpers, welders and welding-machine operators, welders' helpers and apprentices, galvanizers, form-press operators, form-machine operators, fit-up men (except those working on cast iron boiler castings), layers-out and helpers, chippers, grinders, burners, furnace operators, riveters and rivet machine operators, rivet heaters, reamers, rod-room men, testers, test-pit helpers, boilermakers' mechanics, tube men, inspectors and helpers, punch-shear operators, X-ray helpers, subforemen, flange workers, tapping-machine operators and helpers, and all other production and maintenance employees, exclusive of foundry employees, supervisory employees, clerical employees, and those employees covered by the Certification above, of the Hedges-Walsh-Weidner division of the Combustion Engineering Company, Inc., as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, Amalgamated Association of Iron, Steel and Tin Workers of North America is the exclusive representative of all such employees for the purposes of collective bargaining in respect to wages, rates of pay, hours of work and other conditions of employment.