

In the Matter of SEAS SHIPPING COMPANY and NATIONAL ORGANIZATION MASTERS, MATES & PILOTS OF AMERICA

*Case No. R-755*

AMENDMENT TO DIRECTION OF ELECTION

*July 19, 1938*

On June 13, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election<sup>1</sup> in the above-entitled proceeding, the election to be held as soon as convenient, and beginning as promptly as practicable after the date of the Direction, under the supervision of the Regional Director for the Second Region (New York City), among the licensed deck officers, including the Masters, the Chief Officers, the Second Officers, and the Third Officers, employed on vessels operated by the Seas Shipping Company, herein called the Company, to determine whether or not they desire to be represented by National Organization Masters, Mates & Pilots of America, herein called M. M. P., for the purposes of collective bargaining. Thereafter the Company and M. M. P. requested the Board to modify said Decision and Direction of Election. The Board found that the record was inadequate for a determination of the matters set forth in the request, and ordered that the record be reopened for the introduction of further evidence. Accordingly, we shall postpone the holding of the election indefinitely.

The Board hereby amends its Direction of Election by striking out the words, "as soon as convenient, and beginning as promptly as is practicable after the date of this Direction" and substituting therefor the words, "at such time as the Board may in the future direct."

8 N. L. R. B., No. 45.

[SAME TITLE]

SUPPLEMENTAL DECISION

AND

SECOND AMENDMENT TO DIRECTION OF ELECTION

*September 27, 1938*

On June 13, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-

<sup>1</sup> 7 N. L. R. B. 873.

entitled case. The Direction of Election directed that the election be held as soon as convenient, and beginning as promptly as practicable after the date of the Direction, under the supervision of the Regional Director for the Second Region (New York City), among the licensed deck officers, including the Masters, the Chief Officers, the Second Officers, and the Third Officers, employed on vessels operated by the Seas Shipping Company, herein called the Company, to determine whether or not they desire to be represented by National Organization Masters, Mates & Pilots of America, herein called M. M. P., for the purposes of collective bargaining. Thereafter the Company and M. M. P. requested the Board to modify said Decision and Direction of Election by excluding Masters from the unit found to be appropriate. The Board, finding that the record was inadequate for a determination of the issue raised by the request, ordered that the record be reopened for the introduction of further evidence, and on July 19, 1938, issued an Amendment to Direction of Election providing that the election be held "at such time as the Board may in the future direct."

On July 25, 1938, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, M. M. P., International Longshoremen's Association, Local No. 1550, National Marine Engineers' Beneficial Association, International Union of Operating Engineers, and United Licensed Officers of the U. S. A., the last four parties being labor organizations claiming to represent employees directly affected by the investigation. Pursuant to notice, a hearing was held at New York City, on August 15, 1938, before Whitley P. McCoy, the Trial Examiner duly designated by the Board. The Board and the Company were represented by counsel; M. M. P. was represented by its National Trustee; and all participated in the hearing. None of the other above-named labor organizations appeared. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties.

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

#### SUPPLEMENTAL FINDING OF FACT

In our decision we found that the licensed deck officers employed by the Company, including the Masters, Chief Officers, Second Officers, and Third Officers, constituted a unit appropriate for the purposes of collective bargaining. At the reopened hearing M. M. P. and the Company claimed that Masters should be excluded from such bargaining unit, for the reason that Masters are the representatives of the owners of the ships, and are charged with the responsibility of maintaining discipline.

As its name implies, M. M. P. admits Masters to membership and has done so ever since 1891.<sup>2</sup> We have recently considered the same question in another case and there decided to include Masters in the same unit with the other licensed deck officers.<sup>3</sup> The evidence in the instant case shows that all Masters pass through the several lower grades of licensed deck officers and that frequently, after having been licensed as Masters, they sail as Chief and Second Officers. Captain Edward L. Pinchin, the National Trustee of M. M. P., testified that at the time of the reopened hearing, about 2,500 Masters in the American Merchant Marine were employed as deck officers below the rank of Masters. Captain Pinchin further testified that M. M. P. bargains for the Masters even though in many cases their employment agreement is separate from that of the other licensed deck officers. We have weighed the considerations urged for the exclusion of Masters from the appropriate unit, but we are not persuaded that they overcome the long history of collective bargaining in the maritime industry, the eligibility of Masters to membership in M. M. P., and the frequent necessity of their employment as licensed deck officers below the rank of Masters—all of which are factors supporting their inclusion in the same unit with the other licensed deck officers. For these reasons, we shall include the Masters in the appropriate unit with the licensed deck officers, and therefore affirm the finding in our decision as to the appropriate unit.

#### SECOND AMENDMENT TO DIRECTION OF ELECTION

The Board hereby amends the Direction of Election, as amended, by striking therefrom the words "at such time as the Board may in the future direct," and substituting therefor the words "as soon as convenient, and beginning as promptly as is practicable after the date of this Supplemental Decision and Second Amendment to Direction of Election."

MR. DONALD WAKEFIELD SMITH took no part in the consideration of the above Supplemental Decision and Second Amendment to Direction of Election.

<sup>2</sup> Handbook of American Trade-Union, Bulletin No 618, published by the United States Department of Labor, at page 238.

<sup>3</sup> *In the Matter of Standard Oil Company of New Jersey and United Licensed Officers of the U S. A.*, 8 N. L. R. B. 936.

8 N. L. R. B., No. 45a.