

In the Matter of COMMONWEALTH DIVISION OF GENERAL STEEL CASTINGS CORPORATION *and* INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, WELDERS AND HELPERS OF AMERICA; INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT No. 9; PATTERN MAKERS ASSOCIATION OF ST. LOUIS AND VICINITY, and AMALGAMATED ASSOCIATION OF IRON, STEEL AND TIN WORKERS OF AMERICA, LOCAL LODGE No. 1022

Cases Nos. R-196 to R-199, inclusive

SUPPLEMENTAL DECISION

AND

CERTIFICATION OF REPRESENTATIVES

November 19, 1937

STATEMENT OF THE CASE

On May 18 and 20, 1937, International Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of America, herein called the Boilermakers Union; International Association of Machinists, District No. 9, herein called the I. A. M.; and Pattern Makers Association of St. Louis and Vicinity, herein called the P. M. A., filed with the Acting Regional Director for the Fourteenth Region (St. Louis, Missouri), three separate petitions alleging that questions affecting commerce had arisen concerning the representation of those employees of General Steel Castings Corporation, herein called the Company, who are employed in its Commonwealth Division, located at Granite City, Illinois, and requesting the National Labor Relations Board, herein called the Board, to conduct an investigation pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. The three unions above mentioned are herein called collectively the Federation Unions. On May 26, 1937, 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 1, as amended, authorized the Acting Regional Director to conduct investigations and to provide for appropriate hearings.

On June 11, 1937, a petition to the same effect as those described above was filed with the same Acting Regional Director, by Amalgamated Association of Iron, Steel and Tin Workers of America,

Local Lodge No. 1022, herein called the Amalgamated. On June 12, 1937, the Board, acting pursuant to Section 9 (c) of the Act, and Article III, Section 3, of the above Rules and Regulations, authorized the Acting Regional Director to conduct an investigation and provide for an appropriate hearing; and the Board further ordered, pursuant to Article III, Section 10 (c) (2), of the above Rules and Regulations, that the four cases be consolidated for the purposes of the hearing.

Pursuant to a notice of hearing duly issued and served by the Acting Regional Director upon the Company and the four petitioning unions, a hearing was held in St. Louis, Missouri, on July 2, 3, 6, and 7, 1937, before William Seagle, the Trial Examiner duly designated by the Board. On October 4, 1937, the Board issued a Decision and Direction of Elections¹ which provided that three elections be held within fifteen (15) days of the date of the Direction. In its Decision the Board made no final determination as to the appropriate unit for the purposes of collective bargaining with the Company. The Amalgamated had contended that all of the employees engaged in production and maintenance, exclusive of supervisory employees, constituted a single appropriate unit. The Federation Unions contended, however, that the Company's welders and acetylene cutters, maintenance machinists, and pattern makers constituted three separate appropriate units. The Board stated that since either contention could be sustained, it would direct that separate elections be held for the three described groups and would decide the issue on the basis of the preference indicated by the employees in the elections. It therefore, directed that one election by secret ballot be held among the Company's welders and acetylene cutters to determine whether they desired to be represented by the Boilermakers Union or the Amalgamated; that another be held among the maintenance machinists to determine whether they desired to be represented by the I. A. M. or the Amalgamated; and that a third be held among the pattern makers to determine whether they desired to be represented by the P. M. A. or the Amalgamated, for the purposes of collective bargaining.

As to the balance of the maintenance and production employees of the Company, the Board stated that the Amalgamated had introduced satisfactory evidence of majority. Consequently, no election was necessary among these employees since the Amalgamated could be certified as the representative of the employees in whatever unit was found appropriate for the production and maintenance employees of the Company generally.

On October 18, 1937, the Amalgamated filed a petition with the Board requesting that its name be withdrawn from the ballot in all

¹ 3 N. L. R. B. 779

three of the elections which had been ordered, and that the elections be postponed. After postponing, on October 19, 1937, the holding of the election, the Board, on October 20, 1937, issued an Amendment to the Decision and Directions of Elections.² As amended, the Direction of Elections provided merely that the employees in the three groups described in the original Direction of Elections should be permitted to indicate whether or not they desired to be represented by the respective Federation Unions for the purposes of collective bargaining. The elections were directed to be held within ten (10) days of the date of the Amendment. The decision as amended provided that such of the groups as chose to be represented by one of the Federation Unions would constitute separate appropriate units and that the certification of the Amalgamated would be made after the elections had been held.

Pursuant to the Direction of Elections as amended, secret ballots were conducted on October 29, 1937. Full opportunity was afforded to all parties to this investigation to participate in the conduct of the secret ballots and to make challenges. On November 1, 1937, the agent of the Board who conducted the ballots caused to be served on the parties his Intermediate Report on the conduct of the ballots. No objections with respect to the conduct of the elections were filed to the Intermediate Report, and it was forwarded by the Acting Regional Director to the Board in Washington, D. C.

As to the results of the secret ballots, the Intermediate Report showed the following:

Welders and acetylene cutters

Total number of ballots cast.....	146
Total number of void ballots.....	0
Total number of challenged ballots.....	1
Total number of ballots cast for the Boilermakers Union.....	114
Total number of ballots cast against the Boilermakers Union..	31

Maintenance machinists

Total number of ballots cast.....	69
Total number of void ballots.....	0
Total number of challenged ballots.....	0
Total number of ballots cast for the I. A. M.....	63
Total number of ballots cast against the I. A. M.....	6

Pattern makers

Total number of ballots cast.....	164
Total number of void ballots.....	1
Total number of challenged ballots.....	2
Total number of ballots cast for the P. M. A.....	141
Total number of ballots cast against the P. M. A.....	20

² 3 N. L. R. B. 790.

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

SUPPLEMENTAL FINDING OF FACT

In order to insure to the employees of the Company the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of the Act, we find that the following groups of the employees of the Commonwealth Division of the Company constitute units appropriate for the purposes of collective bargaining:

- (a) Welders and acetylene cutters;
- (b) Maintenance machinists;
- (c) Pattern makers; and
- (d) Production and maintenance employees, exclusive of supervisory employees, and those employees who fall within groups (a), (b), and (c).

SUPPLEMENTAL CONCLUSION OF LAW

Upon the basis of the above finding of fact and upon the entire record in the case, the Board makes the following supplemental conclusion of law:

The following employees of Commonwealth Division of General Steel Castings Corporation constitute units appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act:

- (a) Welders and acetylene cutters;
- (b) Maintenance machinists;
- (c) Pattern makers; and
- (d) Production and maintenance employees, exclusive of supervisory employees, and those employees who fall within groups (a), (b), and (c).

CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by 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 Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of America has been designated and selected by a majority of the welders and acetylene cutters of Commonwealth Division of General Steel Castings Corporation, Granite City, Illinois, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Sec-

tion 9 (a) of the Act, International Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of 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; and

IT IS HEREBY CERTIFIED that International Association of Machinists, District No. 9, has been designated and selected by a majority of the maintenance machinists of Commonwealth Division of General Steel Castings Corporation, Granite City, Illinois, 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, District No. 9, 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 Pattern Makers Association of St. Louis and Vicinity, has been designated and selected by a majority of the pattern makers of Commonwealth Division of General Steel Castings Corporation, Granite City, Illinois, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, Pattern Makers Association of St. Louis and Vicinity 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 America, Local Lodge No. 1022, has been designated and selected by a majority of the production and maintenance employees of Commonwealth Division of General Steel Castings Corporation, Granite City, Illinois, exclusive of supervisory employees, welders and acetylene cutters, maintenance machinists, and pattern makers, 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 America, Local Lodge No. 1022, 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.