

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
TWENTY-SEVENTH REGION

KENNEC OTT UTAH COPPER CORPORATION

Employer,

and

Case 27-AC-41

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 354

Petitioner.

DECISION AND AMENDMENT OF CERTIFICATION

Upon an amendment of certification petition filed under Section 9(b) of the National Labor Relations Act, as amended, and pursuant to the provisions of Section 3(b) of the Act, under which the National Labor Relations Board has delegated its authority in this proceeding to the undersigned Regional Director, an investigation relative to the issues raised by the petition was conducted.

Upon the entire record in this case, I make the following findings:

1. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.'

2. The Petitioner, in accordance with its petition filed on April 26, 1999, seeks to amend its certification to add the cannen air-valve welder classification (hereinafter referred to as carmen) to the unit of electrical workers it already represents at the Employer's mine in Bingham Canyon, Utah.

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‘Kennecott Utah Copper Corporation, a Delaware corporation, is engaged in the mining and smelting of copper ore at its Bingham Canyon, Utah operation. During any 12 month period, the Employer ships product valued in excess of \$50,000 directly to customers located outside the State of Utah.

BACKGROUND

As a result of a Board Decision and Direction of Election, International Brotherhood of Electrical Workers (IBEW), Local 1081, was certified to represent a unit of employees on August 4, 1943. See *Utah Copper Co.*, 35 NLR.B 1295 (1941), and 49 NLRB 901 (1943). Effective July 1, 1988, IBEW, Local 1081 (now defunct) merged with the Petitioner, IBEW, Local 354. On July 7, 1988, the Employer recognized the Petitioner as the exclusive bargaining representative of the employees formerly represented by IBEW, Local 1081. On August 25, 1988, Regional Director W. Bruce Gillis, Jr., issued an amendment of certification, certifying the Petitioner as the exclusive collective-bargaining representative of the following unit:

All electrical workers and apprentice electrical workers employed by Kennecott, Utah Copper division, at its Bingham Canyon mine, including electricians, electrician technicians, signal maintainers, linemen, armature winders, and control system repairmen, EXCLUDING office clerical employees, guards and supervisors as defined in the Act, and all other employees.

In December 1998, Transportation Communications International Union (TCIJ), which represented approximately nine carmen employed by the Employer, inquired of the Petitioner whether it had an interest in representing those carmen, because TCU, Lodge 6145 planned to cease functioning following the retirement of some of its officers.² By letter dated February 18, 1999, the Petitioner agreed to take the carmen into membership. The carmen at issue had already executed authorization cards in favor of representation by the Petitioner in January 1999. Thereafter, the instant amendment of certification petition was filed.

By letter dated May 12, 1999, the Petitioner also formally requested that the Employer recognize it as the exclusive collective-bargaining representative of the carmen. By letter dated June 11, 1999, following a card check, the Employer agreed to recognize the Petitioner as the exclusive collective-bargaining representative of the employees classified as

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“carmenair valve welder” and to include those employees in the above-described unit already represented by the Petitioner.

CONCLUSION

Based on the foregoing and the investigation as a whole, I conclude that the Certification of Representation issued on August 4, 1943, in Cases R-2723 and R-51 14, and amended on August 25, 1988, should be, and hereby is, amended to include the carmen-air valve welder classification. Specifically, IBEW, Local 354 is the exclusive collective-bargaining representative of the following appropriate unit:

All electrical workers, apprentice electrical workers, and carmen-air valve welders employed by Kennecott, Utah Copper division, at its Bingham Canyon mine, including electricians, electrician technicians, signal maintainers, linemen, armature winders, and control system repairmen; EXCLUDING office clerical employees, guards and supervisors as defined in the Act, and all other employees.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this amendment of certification may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570. This request must be filed with the Board in Washington by June 30, 1999.

Dated at Denver, Colorado, this 16th day of June 1999.

B. Allan Benson
Regional Director

2 Kennecott carmen were the only employees TCU, Lodge 6145 represented.

National Labor Relations
Board

Twenty-Seventh Region
300 South Tower, Dominion Plaza

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600 Seventeenth Street
Denver, Colorado 80202-543 3

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