

---

---

Regional Labor Board  
Seattle, Washington

Opinion and Ruling of  
Board of Arbitration  
Case No. 12

---

In the Matter of:

HECLA MINING COMPANY,  
SULLIVAN MINING COMPANY,  
BUNKER HILL & SULLIVAN MINING &  
CONCENTRATING COMPANY,  
*Respondents,*

On the Complaint of:

BURKE MINERS UNION NO. 10, I. U. of  
M. M. & S. W., and  
KELLOGG MINE AND SMELTERMEN'S  
UNION NO. 18, I. U. of M. M. & S. W.,  
*Complainants.*

Filed April 3, 1934.

---

---



day, Wednesday and Thursday, or a total of nine sessions. Some twenty-four exhibits were presented, of which one was rejected. Since the hearing certain information requested by the complainants with reference to the men employed at Bunker Hill smelter since September 1st, 1933, and a copy of the letter sent by the Hecla Mining Company, at the request of the Board to Mr. Edmiston, employment representative of the Hecla Mining Company and Sullivan Mining Company, instructing him to give preference to employment to certain individuals has been received. Certain of the evidence will be referred to hereafter, but no attempt will be made to make an exhaustive statement of it. Two stenographers were present at all times and have complete records of the whole proceeding.

As this sort of proceeding is somewhat new, and the pleadings informal, it is first necessary to consider briefly the issue or issues presented to the Board in this hearing. An attempt was made to state those issues in a bill of particulars served upon respondents December 30th, 1933. That bill of particulars charged in general that certain individuals named therein were all discharged by respondents on account of union activities, and that the time of those who joined the union was reduced on account of that fact; also, that the company union at Kellogg, Idaho, was illegal for specified reasons; that the officials of the Hecla Mining Company had refused to bargain or confer with representatives of Burke Local No. 10, and that in connection with the employees' representation plan at the Hecla, there were irregularities in the ballots and voting. At the hearing in Spokane, however, the parties entered into a stipulation approved by the Seattle Regional Labor Board, which set up the present Arbitration Board, and in the judgment of the Arbitra-



tion Board distinctly limited the issue to be determined by it. Paragraph I expressly provides:

"That a board of three shall at once be constituted to hear the case of the various employees."

"The three so chosen shall hear the various complaints and shall pass upon the question of whether or not the individual was rightfully or wrongfully temporarily or permanently laid off, and shall pass upon all questions incident thereto."

Paragraph II then provides:

"That the hearing on *all other matters* be postponed indefinitely without prejudice to the rights of any party."

The remainder of the stipulation bears out this interpretation and would seem to exclude from the consideration of this Arbitration Board *all other matters* except the cases of the various employees. At Wallace very considerable evidence was taken concerning the employees' representation plan proposed by the officers of the Hecla Mining Company and adopted by the men by ballot. The objections made by the complainants to this employees' representation plan were much broader and more numerous than are set forth in the bill of particulars. It is in effect now claimed that such plan, in view of the method of its presentation and its own terms and conditions, violated the National Recovery Act. No evidence was taken as to the industrial union at Kellogg, but somewhat similar claims were made. No such questions will be passed upon by this Board, but all such matters are reserved for