

In the Matter of WEBB PACKING COMPANY; LAURA CAIRNS, ETHEL C. ROWE, AND EDITH RUSSELL, PARTNERS, D/B/A LINDSAY ORANGE GROWERS ASSOCIATION; AMERICAN FRUIT GROWERS; HILLSIDE PACKING CO.; LINDSAY DISTRICT ORANGE CO.; LINDSAY CITRUS GROWERS ASSOCIATION; R. E. STARK, AN INDIVIDUAL, D/B/A STARK & WADDELL PACKING CORP.; STRATHMORE PACKING HOUSE CO.; FRANK BELMONT, AN INDIVIDUAL, D/B/A GRANADA PACKING CO.; E. E. KROWELLS AND C. J. KROWELLS, A LIMITED PARTNERSHIP, D/B/A KROWELLS BROTHERS LIMITED PACKING CO.; B. G. ROOKE AND E. W. KEYS, A PARTNERSHIP, D/B/A B. G. ROOKE PACKING CO.; LINDSAY COOPERATIVE CITRUS ASS'N; BETZ PACKING CO.; RAYMOND ANDERSON, AN INDIVIDUAL; LINDSAY MUTUAL GROVES; R. B. SINGLETARY AND H. J. FERRY, PARTNERS, D/B/A ORANGE PACKING CO.; AMERICAN FRUIT GROWERS, INC.; PORTERVILLE CITRUS ASS'N; SUNLAND PACKING HOUSE COMPANY; SUNFLOWER PACKING CORP.; MAGNOLIA CITRUS ASS'N; RANDOLPH MARKETING CO.; ED ALLEN AND DON SANDILANDS, COPARTNERSHIP, D/B/A ALLEN-SANDILANDS PACKING CO.; TULE RIVER CITRUS ASS'N; RICHGROVE-JASMINE CITRUS ASS'N; W. TODD DOFFLEMEYER, AN INDIVIDUAL, D/B/A DOFFLEMYER PACKING CO.; STRATHMORE COOPERATIVE ASSOCIATION; STRATHMORE FRUIT GROWERS ASS'N; STRATHMORE DISTRICT ORANGE ASS'N and UNITED CANNERY, AGRICULTURAL, PACKING & ALLIED WORKERS OF AMERICA, LOCAL 78, CIO

*Cases Nos. 20-R-980, 20-R-981, 20-R-984 to 20-R-997, inclusive, 20-R-999 to 20-R-1008, inclusive, and 20-R-1012 to 20-R-1014, inclusive.—Decided March 7, 1944*

*Mr. Lawrence B. Martin*, of Los Angeles, Calif., for Webb Packing Company.

*Mr. Ivan G. McDaniell*, by *Mr. George C. Lyon*, of Los Angeles, Calif., for all Companies except Webb Packing Company; *Mr. H. S. Millspaugh*, of Lindsay, Calif., appearing also for B. G. Rooke Packing House Co.

*Gladstein, Grossman, Sawyer & Edises*, by *Aubrey Grossman*, of San Francisco, Calif., for the Union.

*Mrs. Augusta Spaulding*, of counsel to the Board.

55 N. L. R. B., No. 54.

DECISION  
CERTIFICATION OF REPRESENTATIVES  
AND  
ORDER

STATEMENT OF THE CASE

Upon separate petitions duly filed by United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, herein called the Union, alleging that questions affecting commerce had arisen concerning the representation of employees of Webb Packing Company; Laura Cairns, Ethel C. Rowe, and Edith Russell, partners, d/b/a Lindsay Orange Growers Association; American Fruit Growers; Hillside Packing Co.; Lindsay District Orange Co.; Lindsay Citrus Growers Association; R. E. Stark, an individual, d/b/a Stark & Waddell Packing Corp.; Strathmore Packing House Co.; Frank Belmont, an individual d/b/a Granada Packing Co.; E. E. Krowells and C. J. Krowells, a limited partnership, d/b/a Krowells Brothers Limited Packing Co.; B. G. Rooke and E. W. Keys, a partnership, d/b/a B. G. Rooke Packing Co.; Lindsay Co-operative Citrus Ass'n; Betz Packing Co.; Raymond Anderson, an individual; Lindsay Mutual Groves; R. B. Singletary and H. J. Ferry, partners, d/b/a Orange Packing Co.; American Fruit Growers, Inc.; Porterville Citrus Ass'n; Sunland Packing House Company; Sunflower Packing Corp.; Magnolia Citrus Ass'n; Randolph Marketing Co.; Ed Allen and Don Sandilands, copartnership, d/b/a Allen-Sandilands Packing Co.; Tule River Citrus Ass'n; Richgrove-Jasmine Citrus Ass'n; W. Todd Dofflemyer, an individual, d/b/a Dofflemyer Packing Co.; Strathmore Cooperative Association; Strathmore Fruit Growers Ass'n; and Strathmore District Orange Ass'n,<sup>1</sup> herein collectively called the Companies, the National Labor Relations Board provided for an appropriate consolidated hearing upon due notice before John Paul Jennings, Trial Examiner. Said hearing was held at Lindsay, California, on January 5, 1944. The Companies and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. During the course of the hearing, the Union requested permission to withdraw 20 named petitions herein, on the ground that the employers involved in these petitions had ceased to operate their packing sheds for the season and that, for this reason, representative elections among their employees could not be held. The cases covered in the Union's motion are listed on Appendix A. The Trial Examiner

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<sup>1</sup> The petitions and other formal papers were amended at the hearing to disclose the correct names of the respective Companies

did not rule on this motion. The request of the Union is hereby granted, and we shall dismiss the petitions listed therein. During the course of the hearing, the Union moved (1) that elections be held immediately among employees of the remaining Companies which were still operating and (2) that, in the case of Webb Packing Company, and certain other named Companies that had ceased, or would cease, packing operations before an election could be held, the Board certify the Union upon the present record or upon a record amplified by additional evidence to be adduced at a further hearing. For reasons which will hereinafter appear, the Board directed that elections be held immediately after the hearing among employees of certain named Companies. For reasons stated below, the Union's motion with respect to certification upon the record is denied. During the course of the hearing, Webb Packing Company moved, on several grounds,<sup>2</sup> to dismiss the petition concerning its employees. For reasons which we shall hereinafter state, we shall dismiss the petition concerning employees of Webb Packing Company. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board. The request of the Companies for oral argument is hereby denied.

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

#### FINDINGS OF FACT

##### I. THE BUSINESS OF THE COMPANIES

The Companies involved in the consolidated proceeding are engaged in the business of packing oranges in California. They employ persons for handling, sorting, and packing the fruit during the packing seasons. Each Company employs some local and some transient workers. There are two orange seasons in the year, each of which is of 2 to 3 months' duration. Some houses pack one season, and some two seasons each year. Each packing house operates approximately 8 weeks per orange season. The navel orange season is in November and December. The Valencia orange season is in April and May. Employment reaches its peak during approximately 1 week of each season.

During 1943, and up to December 11 of that year, each of the Companies herein involved packed and shipped to points outside California approximately 50 percent of the total number of oranges packed during that period. Webb Packing Company, at Lindsay,

<sup>2</sup> Among the reasons alleged for dismissal was the pendency of proceedings before the National War Labor Board, which, it was alleged, raised a conflict of jurisdiction of the same issues between two Federal agencies. No case affecting the employees of the Companies is presently pending before the National War Labor Board.

packed oranges valued, in all, in excess of \$100,000. Oranges are valued at approximately \$4 per box. The other Companies, at or near the points in California designated, packed and shipped to points outside California boxes of oranges as follows: Lindsay Orange Growers Association at Lindsay, 20,885 boxes; American Fruit Growers, at Lindsay, 27,294 boxes; Hillside Packing Co., at Lindsay, 30,362 boxes; Lindsay District Orange Co., at Lindsay, 37,587 boxes; Lindsay Citrus Growers Association, at Lindsay, 61,912 boxes; Stark & Waddell Packing Corp., at Lindsay, 78,378 boxes; Strathmore Packing House Co., at Strathmore, 32,577 boxes; Granada Packing Co., at Lindsay, 90,200 boxes; Krowells Brothers Limited Packing Co., at Lindsay, 28,744 boxes; B. G. Rooke Packing Co., at Lindsay, 30,839 boxes; Lindsay Co-operative Citrus Ass'n, at Lindsay, 24,717 boxes; Raymond Anderson, at Lindsay, 18,129 boxes; Lindsay Mutual Groves, at Lindsay, 41,138 boxes; Orange Packing Co., at Lindsay, 27,157 boxes; American Fruit Growers, Inc., at Porterville, 69,841 boxes; Porterville Citrus Ass'n, at Porterville, 21,141 boxes; Sunland Packing House Company, at Porterville, 62,945 boxes; Sunflower Packing Corp., at Porterville, 31,450 boxes; Magnolia Citrus Ass'n, at Porterville, 57,372 boxes; Randolph Marketing Co., at Porterville, 51,822 boxes; Allen-Sandlands Packing Co., at Porterville, 33,810 boxes; Tule River Citrus Ass'n, at Success, 29,243 boxes; Richgrove-Jasmine Citrus Ass'n, at Richgrove, 21,879 boxes; Dofflemyer Packing Co., at Woodlake, 10,659 boxes; Strathmore Cooperative Association, at Strathmore, 51,191 boxes; Strathmore Fruit Growers Ass'n, at Strathmore, 41,281 boxes; and Strathmore District Orange Ass'n, at Strathmore, 39,802 boxes.<sup>3</sup> We find that the several Companies, as listed, are engaged in commerce, within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE APPROPRIATE UNIT

We find, in accordance with the stipulation of the parties, that all employees of each of the several Companies herein involved, excluding clerical employees, officials, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes

<sup>3</sup> Betz Packing Co. is engaged in packing operations in packing houses owned by other concerns. The record does not disclose the extent of packing done by this employer. The petition concerning its employees is among those which the Union requested permission to withdraw and which we shall dismiss.

in the status of employees, or effectively recommend such action, constitute, respectively, separate units appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

#### IV. THE QUESTIONS CONCERNING REPRESENTATION ; THE DETERMINATION OF REPRESENTATIVES

In or about the early part of December 1943, the Union requested each of the Companies herein involved for recognition as exclusive bargaining representative of its employees. Each employer refused such recognition. Thereupon, the Union filed the several separate petitions herein.

Our preliminary investigations indicated that questions affecting commerce within the meaning of the Act had arisen concerning the representation of employees of the several Companies concerned in this consolidated proceeding. Upon the Union's request at the hearing, we are dismissing 20 petitions. With respect to the remaining petitions, the Union presented to the Field Examiner representation cards<sup>4</sup> and, at the hearing, other evidence in support of its claim to represent employees in the respective appropriate bargaining units concerned therein. The Union filed no cards signed by employees of American Fruit Growers, Inc., or by employees of Dofflemeyer Packing Company. Testimony was introduced concerning the extent of the Union's recent organizational drive among employees in the citrus fruit packing industry, the extent of the Union's membership among transient workers in the locality and in the agricultural industry, and

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<sup>4</sup> The Union submitted to the Field Examiner evidence with respect to its representation among the employees indicated as follows:

*Granada Packing Co.:* The Union presented 17 authorization cards bearing apparently genuine signatures of employees listed on Granada's peak pay roll of December 18, 1943. There are 55 employees listed on this pay roll in the appropriate unit.

*Sunflower Packing Corporation:* The Union presented 16 authorization cards bearing apparently genuine signatures of employees listed on Sunflower's peak pay roll of December 11, 1943. There are 88 employees listed on this pay roll in the appropriate unit.

*Richgrove-Jasmine Citrus Ass'n:* The Union presented 32 authorization cards bearing apparently genuine signatures of employees listed on Richgrove's pay rolls of November and December 1943. There are 77 employees of the Company listed on these pay rolls in the appropriate unit.

*Porterville Citrus Association:* The Union presented 22 authorization cards bearing apparently genuine signatures of employees listed on Porterville's peak pay roll of December 11, 1943. There are 44 employees listed on this pay roll in the appropriate unit.

*Strathmore Packing House Co.:* The Union presented 6 authorization cards bearing apparently genuine signatures of employees on Strathmore's peak pay roll of December 21, 1943. There are 56 employees listed on this pay roll in the appropriate unit.

*Lindsay Orange Growers Association:* The Union presented 20 authorization cards bearing apparently genuine signatures of employees on the Lindsay's peak pay roll of December 18, 1943. There are 56 employees listed on this pay roll in the appropriate unit.

The cards submitted by the Union in support of its claim to represent employees of Granada Packing Co. were not checked against the pay roll of the employer until after the close of the hearing. The parties agreed that the Field Examiner's statement concerning his findings as to these cards should be marked "Board Exhibit No. 10," should be completed after the close of the hearing, and should be considered part of the official record herein. The Field Examiner's statement concerning these cards, thus prepared, marked, and identified, is hereby made, and is, part of the official record in this proceeding.

the free interchange of such employees in passing from one packing plant to another during the packing season. The only issue between the Union and each of the several employers concerned was the question of the Union's majority among employees in the units respectively agreed to be appropriate. At the time of the hearing in this proceeding Webb Packing Company had ceased its packing operations for the season, and Lindsay Orange Growers Association was about to shut down its plant. The navel orange season in this locality was rapidly drawing to a close. It was obvious that unless elections could be held immediately among employees of the operating Companies, no elections among them could be held during the current season. It seemed best, under all the circumstances, to resolve the questions concerning the representation of these employees by immediate elections, so far as practical. On January 6, 1944, the day after the hearing, the Board accordingly directed that separate elections be held as soon as possible among employees<sup>5</sup> of Lindsay Orange Growers Association; Strathmore Packing House Co.; Granada Packing Co.; American Fruit Growers, Inc.; Sunflower Packing Corp.; Richgrove-Jasmine Citrus Ass'n; Dofflemyer Packing Co.; and Porterville Citrus Ass'n.<sup>6</sup>

<sup>5</sup> Those eligible to vote in these separate elections were all employees in the agreed bargaining unit, "who had worked 6 days or more during the current season for the Companies, as stipulated by the parties at the hearing, and who were employed by one of said Companies during the pay-roll period immediately preceding the date of this Direction (but if any such person has been employed during such pay-roll period by more than one of the Companies among whose employees an election is herein directed, he shall vote as the employee of the Company for whom he has worked the longest period of time)." Eligibility was further made subject to the limitations and additions usual in Board elections.

<sup>6</sup> The eight employers named in our Direction of Elections filed a protest thereto, noting that the issuance of our Direction was contrary to the normal procedure outlined in Article III, Section 9, of our Rules and Regulations and requesting that the Board set aside the Direction and proceed in the usual manner, directing elections if expedient after a complete analysis of the record and after the Board had adequate opportunity to consider briefs filed with respect to the issues raised in the proceeding. For reasons noted above, it seemed best to the Board to set aside its Rules and, to effectuate the policies of the Act, adopt a procedure adapted to the exigencies of the particular situation herein. The Companies do not deny the authority of the Board to set aside its Rules, when such procedure does not deny to any party in interest protection afforded by the Act *N. L. R. B. v. Pacific Gas & Electric Co.*, 118 F (2d) 780, 789 (C C A 9). None of the parties has shown that any prejudice has ensued as a result of the procedure adopted herein. Our findings of fact are based upon the entire record in this proceeding. We find without merit the objections of the Companies to the procedure which we adopted herein.

American Fruit Growers, Inc., and Dofflemyer Packing Co. objected to the holding of elections among their respective employees because in advance of the issuance of our Direction, the Union submitted no specific evidence with respect to its representation among them. As noted above, the Union offered some testimony with respect to its organizational activity in the locality wherein the Companies operate, which we may assume involved the employees of the Companies named, to some extent. As we have frequently stated in other cases, the Board generally requires that a labor organization submit some specific evidence of its representation among employees among whom it desires an election to be held in order that the Board may be informed whether the election will probably result in the selection of a bargaining representative. The requirement of such preliminary evidence with respect to union representation is for the benefit of the Board in carrying out the purposes of the Act and the absence of such specific evidence does not constitute grounds for objection on the part of the employer to an election held among its employees.

The Regional Director set January 12, 1944, as the day for the elections to be held. Before that day, the Union advised the Regional Director that it desired to withdraw its petition in Case No. 20-R-989, involving employees of Strathmore Packing House Co., and no election was held among them. Lindsay Orange Growers Association had shut down its packing operations for the season. It was not practical to hold an election among its employees at that time, and no election was held. Elections among employees of the other six Companies named in the Direction were conducted on January 12, 1944, and on the same day, the Regional Director issued and served upon the parties a Tally of Ballots, disclosing the results of the elections as follows:

<i>Granada Packing Company, 20-R-990</i>	
Approximate number of eligible voters.....	50
Valid votes counted.....	23
Votes cast for the Union.....	20
Votes cast against the Union.....	3
Challenged ballots.....	1
Void ballots.....	0
<i>American Fruit Growers, Inc., 20-R-999</i>	
Approximate number of eligible voters.....	78
Valid votes counted.....	56
Votes cast for the Union.....	19
Votes cast against the Union.....	37
Challenged ballots.....	2
Void ballots.....	0
<i>Sunflower Packing Corp., 20-R-1002</i>	
Approximate number of eligible voters.....	61
Valid votes counted.....	49
Votes cast for the Union.....	40
Votes cast against the Union.....	9
Challenged ballots.....	0
Void ballots.....	0
<i>Richgrove-Jasmine Citrus Ass'n, 20-R-1007</i>	
Approximate number of eligible voters.....	51
Valid votes counted.....	35
Votes cast for the Union.....	24
Votes cast against the Union.....	11
Challenged ballots.....	1
Void ballots.....	0
<i>Dofftemyer Packing Co., 20-R-1008</i>	
Approximate number of eligible voters.....	27
Valid votes counted.....	20
Votes cast for the Union.....	9
Votes cast against the Union.....	11
Challenged ballots.....	2
Void ballots.....	0

*Porterville Citrus Ass'n, 20-R-1000*

Approximate number of eligible voters.....	49
Valid votes counted.....	41
Votes cast for the Union.....	35
Votes cast against the Union.....	6
Challenged ballots.....	4
Void ballots.....	0

No objections to the Tally of Ballots or to the conduct of the elections were filed at the Regional Office within the customary 5-day period. The Board has duly considered the objections to the conduct of the elections raised in the several briefs of the Companies filed herein and finds such objections to be without merit.

Since the Union has received a majority of the votes cast by employees of Granada Packing Co., Sunflower Packing Corp., Richgrove-Jasmine Citrus Ass'n, and Porterville Citrus Ass'n, respectively, we shall certify the Union as the exclusive bargaining representative of all such employees in the respective units heretofore found to be appropriate for bargaining. Since no collective bargaining representative has been selected by a majority of employees of American Fruit Growers, Inc., and Dofflemyer Packing Co., respectively, in the separate units heretofore found to be appropriate for collective bargaining, we shall dismiss the petitions for investigation and certification of these employees. Since no election was held among employees of Strathmore Packing House Co., and the Union desires to withdraw its petition concerning these employees, we shall grant the request and dismiss this petition.

At the hearing in this proceeding, the Union moved that the Board direct an election among employees of Lindsay Orange Growers Association, but if that employer had ceased its seasonal operations before an election could be conveniently held among its employees, the Board should, as an alternative, certify the Union upon the record. No election could be held among the employees concerned before the seasonal shut-down. We find that the representation showing made by the Union among the employees of this Company is clearly insufficient to sustain a finding that the Union represents a majority of these employees. We shall, therefore, dismiss the petition for investigation and certification of employees of Lindsay Orange Growers Association.

At the time of the hearing in this proceeding, Webb Packing Company was no longer operating, and the Union moved that the Board certify the Union as exclusive bargaining representative of its employees on the basis of the representation showing made by the Union.



Webb's peak pay roll of December 17, 1943, lists 57 employees.<sup>7</sup> The Union contends that 47 of these employees designated the Union as their bargaining representative. In support of its claim, the Union produced at the hearing 47 cards, which were divided for convenience into 3 groups, identified, and admitted into evidence as Union Exhibits 1-A, 1-B, and 1-C, respectively. Union Exhibit 1-A includes 21 cards dated November 27, 1943, bearing apparently genuine signatures, purporting to be witnessed by R. Hargrove, organizer. Of these 21 cards, 19 bear the names of employees listed on the peak pay roll of this Company. Union Exhibit 1-B includes 16 cards, also purporting to be signed in the presence of Hargrove. Of these cards, 1 was dated on November 28, and the others on November 27, 1943, and 13 bear apparently genuine signatures of employees listed on the peak pay roll of this Company. Hargrove, a transient worker, was not available at the time of the hearing and did not appear to testify with respect to the signatures on these cards. John E. Frost, vice president of the Union, testified that, at his request, Hargrove secured signatures of the Company's employees on these union cards and later returned the cards to him, signed. Frost testified that all 21 persons whose names appeared on the cards marked Union Exhibit 1-A were, to his knowledge, union members. Frost did not know whether the employees whose names appeared on the cards in Union Exhibit 1-B were members of the Union. Union Exhibit 1-C includes 10 cards, dated November 27, 1943, which appear to bear genuine signatures. R. L. Thompson, organizer, testified that these cards were signed by employees of the Company in his presence. The names of the signers are listed on the peak pay roll of December 17, 1943. Frost testified that 9 of the employees who signed these cards were members of the Union and that 1 was an applicant for membership. The Union's membership records, which were said to be kept at its headquarters at Salinas, California, were not introduced at the hearing. We are of the opinion that the evidence offered by the Union in support of its contention that it represents a majority of the employees of Webb Packing Company is insufficient for the purposes of certification upon the record. For this reason, we shall dismiss the petition filed herein covering employees of Webb Packing Company. Since the navel orange season is now concluded, we deny the Union's motion for further

<sup>7</sup> "Union Exhibit No. 2" was by agreement of the parties at the hearing reserved for the pay roll of Webb Packing Company, which the employer agreed to prepare and forward to the Regional Director, after the close of the hearing. On January 13, 1944, Webb Packing Company filed two schedules, covering, respectively, employees on its peak pay roll and employees on its seasonal pay roll, and a covering letter setting forth its objection to the admissibility of the pay-roll material in evidence. Copies were served upon the parties. We shall direct that the schedules and the covering letter be marked as "Union Exhibit No. 2" and we hereby order that the same be, and are, made part of the official record herein. The objections to the admissibility of the pay-roll material are hereby overruled.

hearing to introduce additional evidence with respect to its representation among employees of Webb Packing Company and of Lindsay Orange Growers Association, respectively.

### 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, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3,

IT IS HEREBY CERTIFIED that United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, CIO, has been designated and selected by a majority of all employees of Frank Belmont, an individual, d/b/a Granada Packing Co., Lindsay, California, excluding clerical employees, officials, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, CIO, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment;

IT IS HEREBY CERTIFIED that United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, CIO, has been designated and selected by a majority of all employees of Sunflower Packing Corp., Porterville, California, excluding clerical employees, officials, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, CIO, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment;

IT IS HEREBY CERTIFIED that United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, CIO, has been designated and selected by a majority of all employees of Richgrove-Jasmine Citrus Ass'n, Richgrove, California, excluding clerical employees, officials, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, United Cannery, Agricultural, Packing & Allied

Workers of America, Local 78, CIO, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment; and

IT IS HEREBY CERTIFIED that United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, CIO, has been designated and selected by a majority of all employees of Porterville Citrus Ass'n, Porterville, California, excluding clerical employees, officials, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, CIO, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

#### ORDER

Upon the basis of the above findings of fact, and the entire record in this proceeding, the National Labor Relations Board hereby orders that the separate petitions for investigation and certification of representatives of employees of Webb Packing Company, Laura Cairns, Ethel C. Rowe, and Edith Russell, partners, d/b/a Lindsay Orange Growers Association; American Fruit Growers; Hillside Packing Co.; Lindsay District Orange Co.; Lindsay Citrus Growers Association; R. E. Stark, an individual, d/b/a Stark & Waddell Packing Corp.; Strathmore Packing House Co.; E. E. Krowells and C. J. Krowells, a limited partnership, d/b/a Krowells Brothers Limited Packing Co.; B. G. Rooke and E. W. Keys, a partnership, d/b/a B. G. Rooke Packing Co.; Lindsay Cooperative Citrus Ass'n; Betz Packing Co.; Raymond Anderson, an individual; Lindsay Mutual Groves; R. B. Singletary and H. J. Ferry, partners, d/b/a Orange Packing Co.; American Fruit Growers, Inc.; Sunland Packing House Company; Magnolia Citrus Ass'n; Randolph Marketing Co.; Ed Allen and Don Sandilands, copartnership, d/b/a Allen-Sandilands Packing Co.; Tule River Citrus Ass'n; W. Todd Dofflemyer, an individual, d/b/a Dofflemyer Packing Co.; Strathmore Cooperative Association; Strathmore Fruit Growers Ass'n; and Strathmore District Orange Ass'n, respectively, filed by United Cannery, Agricultural, Packing & Allied Workers of America, Local 78, CIO, be severed from the remaining cases in this proceeding and that these several petitions, as listed, be, and they hereby are, dismissed.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision, Certification of Representatives and Order.

## APPENDIX A

## Matter of:

- American Fruit Growers, Case No. 20-R-984
- Hillside Packing Co., Case No. 20-R-985
- Lindsay District Orange Co., Case No. 20-R-986
- Lindsay Citrus Growers Association, Case No. 20-R-987
- R. E. Stark, an individual, d/b/a Stark & Waddell Packing Corp., Case No. 20-R-988
- E. E. Krowells and C. J. Krowells, a limited partnership, d/b/a Krowells Brothers Limited Packing Co., Case No. 20-R-991
- B. G. Rooke and E. W. Keys, a partnership, d/b/a B. G. Rooke Packing Co., Case No. 20-R-992
- Lindsay Co-operative Citrus Ass'n Case No. 20-R-993
- Betz Packing Co., Case No. 20-R-994
- Raymond Anderson, an individual, Case No. 20-R-995
- Lindsay Mutual Groves, Case No. 20-R-996
- R. B. Singletary and H. J. Ferry, partners, d/b/a, Orange Packing Co., Case No. 20-R-997
- Sunland Packing House Company, Case No. 20-R-1001
- Magnolia Citrus Ass'n Case No. 20-R-1003
- Randolph Marketing Co., Case No. 20-R-1004
- Ed Allen and Don Sandilands, copartnership, d/b/a Allen-Sandilands Packing Co., Case No. 20-R-1005
- Tule River Citrus Ass'n, Case No. 20-R-1006
- Strathmore Cooperative Association, Case No. 20-R-1012
- Strathmore Fruit Growers Ass'n, Case No. 20-R-1013
- Strathmore District Orange Ass'n, Case No. 20-R-1014