

In the Matter of LAND O'LAKES CREAMERIES, INCORPORATED and UNITED CANNERY, AGRICULTURAL PACKING & ALLIED WORKERS OF AMERICA, C. I. O.

Case No. 13-R-2157

SUPPLEMENTAL DECISION

AND

DIRECTION

March 9, 1944

On January 11, 1944, the National Labor Relations Board issued a Decision and Direction of Election in this proceeding,¹ pursuant to which an election by secret ballot was conducted on February 1, 1944, under the direction and supervision of the Regional Director for the Thirteenth Region (Chicago, Illinois) among employees of Land O'Lakes Creameries, Incorporated, herein called the Company.

On February 1, 1944, the Board Agent, acting pursuant to Article III, Section 10, of National Labor Relations Board Rules and Regulations—Series 3, furnished to all parties a Tally of the Ballots which indicated the results of the election to be as follows:

Approximate number of eligible voters.....	80
Valid votes counted.....	71
Votes cast for United Cannery, Agricultural Packing and Allied Workers of America, C. I. O.....	38
Votes cast against participating union.....	33
Challenged ballots.....	7
Void ballots.....	0

On February 5, 1944, the Company filed Objections to the Conduct of the Election in which it asserted that the 7 challenged ballots were improperly challenged by the Board agent and should have been counted. On February 8, 1944, the Regional Director issued a Report on Challenges and Objections to the Conduct of the Election. He reported that 6 of the 7 challenged ballots, those of Adeline Wahoski, Catherine Mueller, Thora Smith, Edith Miller, Mary Wisnewski, and Beverly Miller, were those of employees whose names did not appear on the Company's pay roll for the period involved, due to error, but

¹ 54 N. L. R. B. 468.

55 N. L. R. B., No. 67.

that each of these employees was eligible to participate in the election, and that their ballots should be counted.

The Regional Director further reported that the ballot of one employee, Edward Beuthin, was challenged on the ground that he exercised supervisory functions. Investigation revealed that the Union and the Company had agreed at the hearing that Beuthin was eligible to vote. The Regional Director recommended that the 7 challenges be overruled. No exceptions have been filed to the Regional Director's Report on Challenges and Objections to the Conduct of the Election. We agree with the recommendations of the Regional Director.

For the reasons indicated by the Regional Director, we conclude and find that Adeline Wahoski, Catherine Mueller, Thora Smith, Edith Miller, Mary Wisnewski, Beverly Miller, and Edward Beuthin were eligible to vote in the election, and their ballots were hereby declared valid. Since the results of the election may depend upon the counting of the 7 challenged ballots of eligible voters named above, we shall direct that they be counted.

DIRECTION

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

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Land O'Lakes Creameries, Incorporated, Ripon, Wisconsin, the Regional Director for the Thirteenth Region shall, pursuant to the Rules and Regulations of the Board set forth above, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, within ten (10) days from the date of this Direction (1) open and count the ballots of Adeline Wahoski, Catherine Mueller, Thora Smith, Edith Miller, Mary Wisnewski, Beverly Miller, and Edward Beuthin, and (2) thereafter prepare and cause to be served upon the parties in this proceeding a Supplemental Tally of Ballots, embodying therein his findings and recommendations as to the results of the balloting.

MR. JOHN M. HOUSTON took no part in the consideration of the above Supplemental Decision and Direction.