

In the Matter of WILLIAMSON HEATER COMPANY *and* UNITED
STEELWORKERS OF AMERICA

Case No. 9-R-1265

SUPPLEMENTAL DECISION
AND
CERTIFICATION OF REPRESENTATIVES

March 27, 1944

On February 4, 1944, the National Labor Relations Board issued its Decision and Direction of Election in the above-entitled proceeding.¹ Pursuant to the Direction of Election, as amended, an election by secret ballot was conducted on February 24, 1944, under the direction and supervision of the Regional Director for the Ninth Region (Cincinnati, Ohio). Upon conclusion of the election, a Tally of Ballots was furnished the parties in accordance with the Rules and Regulations of the Board.

The Tally shows that of the approximately 598 eligible voters, 547 cast valid votes, of which 305 were cast for United Steelworkers of America and 242 against, with 4 challenged ballots.

Thereafter, Williamson Heater Company, herein called the Company, filed objections to the conduct of the ballot. The Company's objections set forth in substance that United Steelworkers of America, herein called the Union, improperly influenced the employees to vote in favor of the Union by publishing certain alleged false and defamatory articles concerning the Company, and by causing copies of said articles to be distributed among the employees several days before the election.

On March 7, 1944, the Regional Director, acting pursuant to Article III, Section 10, of National Labor Relations Board Rules and Regulations—Series 3, issued and duly served upon the parties to the proceeding his Report on Objections, in which he found that the matter complained of in each of the objections raised no substantial or material issue regarding the conduct of the election. Subsequently

¹ 54 N. L. R. B., 1086. An amendment to the Direction of Election was issued by the Board February 17, 1944

55 N. L. R. B., No. 141.

thereto, the Company filed exceptions to the Regional Director's Report on Objections.

We have considered the objections, the Report on Objections and the Company's exceptions thereto. The pleading of the Company does not allege any irregularity in the polling, but relates solely to statements alleged to have been made and published by the Union prior to the date of the election. Even if the statements and articles to which the objections are addressed were made and published as alleged, we cannot perceive how their effect might have been such as to coerce the employees or force them to act under duress in casting their ballots. If any defamatory statements were made and the Company was damaged thereby, it has its remedy elsewhere; but it cannot complain that it has been adversely affected because a bargaining representative has been selected by its employees.² We concur in the conclusion of the Regional Director that the Company's objections raise no substantial or material issue regarding the conduct of the ballot, and accordingly overrule the said objections and exceptions.

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, Sections 9 and 10 of National Labor Relations Board Rules and Regulations, Series 3,

IT IS HEREBY CERTIFIED that United Steelworkers of America, affiliated with the Congress of Industrial Organizations, has been designated and selected by a majority of all production and maintenance employees at the Oakley plant of Williamson Heater Company, Cincinnati, Ohio, including inspectors, but excluding supervisors, assistant supervisors, clerical employees, timekeepers, checkers, time-study employees, guards, watchmen, 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, the said organization is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

CHAIRMAN MILLIS took no part in the consideration of the above Supplemental Decision and Certification of Representatives.

² See *Matter of Tennessee Schuyllkill Corp.*, 47 N. L. R. B. 735