

In the Matter of STACY BROTHERS GAS CONSTRUCTION COMPANY *and*
UNITED CONSTRUCTION WORKERS, UNITED MINE WORKERS OF AMERICA'

Case No. 9-R-1259

SUPPLEMENTAL DECISION

AND

AMENDED CERTIFICATION OF REPRESENTATIVES

April 3, 1944

On February 2, 1944, pursuant to the Decision and Direction of Election issued by the Board herein on January 18, 1944,¹ an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Ninth Region, (Cincinnati, Ohio). Although the Board in its Decision and Direction of Election directed that the employees of the Company vote for or against representation by United Construction Workers, United Mine Workers of America, herein called the International, the official ballot used in the said election gave the employees the choice of voting for or against United Construction Workers, United Mine Workers of America, Local 264, herein called the Local. On February 10, 1944, on the basis of the results of the election, the Board issued its certification of the International. Thereafter, on March 10, 1944, the Company requested the Board to amend its certification to correspond with the choice of its employees as designated by the official ballot. The Board, after consideration of the matter, served upon the Union a Rule to Show Cause why the request should not be granted. No objections to the proposed amendment to the Certification of Representatives have been filed.

AMENDED 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,

¹ 54 N. L. R. B. 651.

55 N. L. R. B., No. 179.

IT IS HEREBY CERTIFIED that United Construction Workers, United Mine Workers of America, Local 264, has been designated and selected by a majority of all production and maintenance employees of Stacy Brothers Gas Construction Company, at its St. Bernard, Ohio, plant, including working foremen who spend the major portion of their time in manual labor and who head crews of eight or less, but excluding all Company officials, clerks, salesmen, office help, guards, and all working foremen who spend the major portion of their time in supervision, or who head crews of more than eight, and all other 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 Amended Certification of Representatives.