

In the Matter of IROQUOIS CHINA COMPANY *and* DISTRICT 50, UNITED
MINE WORKERS OF AMERICA

Case No. 3-R-703

SECOND SUPPLEMENTAL DECISION
AND
CERTIFICATION OF REPRESENTATIVES

April 5, 1944

On February 8, 1944, pursuant to the Decision and Direction of Election issued by the Board herein on January 10, 1944,¹ an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Third Region (Buffalo, New York). Upon the conclusion of the election a Tally of Ballots was furnished the parties in accordance with the Rules and Regulations of the Board. The Company thereafter filed Objections to the Conduct of the Election; the Regional Director issued a Report on Objections; and the Company filed Exceptions to the Report.

On March 7, 1944, the Board, upon consideration of the Objections, the Report, and the Exceptions, issued a Supplemental Decision and Direction,² wherein the Board directed that the Regional Director investigate the issues raised by the Company's Objection No. 3, relating to the one ballot which was challenged, and prepare and serve upon the parties a Report on Challenged Ballot.

On March 18, 1944, the Regional Director, acting pursuant to Article III, Section 10, of National Labor Relations Board Rules and Regulations, and to the Direction of the Board, issued a Report on Challenged Ballot. On March 24, 1944, the Company filed Exceptions to the Report. We have considered the Report of the Regional Director, and the Exceptions, and it appearing that Peter Boscarolo, whose vote was challenged, is a part-time employee, whose manner of employment is not of sufficient regularity to invest him with substantial interests in common with the full-time production and maintenance employees, we find that he was not eligible to vote in the election, and direct that his ballot be not counted.

¹ 54 N L R B 446

² 55 N L R B 290

55 N L R B, No 189

The tally, corrected to conform to the findings of the Board, shows that of the approximately 167 eligible voters, 149 cast valid votes, of which 75 were for District 50, United Mine Workers of America, and 74 against.

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 District 50, United Mine Workers of America, has been designated and selected by a majority of all production and maintenance employees of Iroquois China Company, Syracuse, New York, including watchmen and factory clerks, but excluding office employees 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 National Labor Relations 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.

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