

In the Matter of DOUGLAS AIRCRAFT COMPANY, INC. (SANTA MONICA PLANT) and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS (UAW-CIO)

Case No. 21-R-2108.—Decided May 5, 1944

Messrs. Elwyn J. Eagen and Martin Zimring, both of Los Angeles, Calif., for the Board.

Mr. A. C. Galbraith, of Santa Monica, Calif., for the Company.

Mr. Al Slater, of Los Angeles, Calif., for the I. B. E. W.

Mr. Arthur Kearns, of Los Angeles, Calif., for the U. A. W.

Mr. E. R. White, of Long Beach, Calif., for the I. A. M.

Mr. David V. Easton, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

International Union, United Automobile, Aircraft & Agricultural Implement Workers (UAW-CIO), herein called the U. A. W., duly filed a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Douglas Aircraft Company, Inc., (Santa Monica Plant), Santa Monica, California, herein called the Company. On December 10, 1943, before a hearing was held, the Company, the U. A. W., International Brotherhood of Electrical Workers—L. U., B-11, A. F. of L., herein called the I. B. E. W., International Association of Machinists, Local No. 1578, herein called the I. A. M., and the Regional Director for the Twenty-First Region (Los Angeles, California), entered into a "STIPULATION FOR CERTIFICATION UPON CONSENT ELECTION."

Pursuant to the Stipulation an election by secret ballot was conducted on February 1, 1944, under the direction and supervision of the Regional Director, and a run-off election was conducted by said Regional Director on February 8, 1944, among all hourly paid production and maintenance employees of the Company at its Santa Monica plant, including leadmen, spot, flash, and seam welders, department and plant clericals, tool liaison employees, and 4-hour shift

employees not employed at "feeder" plants, but excluding those employees for whom the I. B. E. W. has been certified as exclusive collective bargaining representative,¹ timekeepers, "feeder" plant employees, detached warehouse employees, school employees, plant-protection employees, safety department employees, time and motion study employees, truck transportation department employees (external transportation department), oxyacetylene, oxyhydrogen, and electric arc welders, gas flame cutters, beginner welders, administrative employees, confidential 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,² to determine whether or not they desired to be represented by the U. A. W.³ Upon the conclusion of the run-off election, a "Tally of Ballots" was furnished to the parties in accordance with the Rules and Regulations of the Board.⁴

The Tally shows that of the eligible voters, 87.8 percent cast valid votes, of which 46.7 percent were for the U. A. W., and 53.3 percent against the U. A. W.⁵

On February 13, 1944, the U. A. W. filed "Objections of UAW-CIO to Conduct of Run-Off Election and to Conduct Affecting Results of Run-Off Election." On February 26, 1944, the Company filed a "Reply to Objections of UAW-CIO to Conduct of Run-Off Election and to Conduct Affecting Results of Run-Off Election." On March 31, 1944, the Regional Director issued and duly served upon the parties a "Report on Objections," finding that the objections raised no substantial or material issues with respect to the conduct of the ballot or to the results of the run-off election, and recommending that the objections be overruled. On April 14, 1944, the U. A. W. filed with the Board "Exceptions of UAW-CIO to Report on Objections."

We have considered the objections of the U. A. W., the Company's reply thereto, the Regional Director's report thereon, and the exceptions of the U. A. W., and for reasons stated in the Regional Director's

¹ *Matter of Douglas Aircraft Company Inc., (Santa Monica Plant)*, 55 N. L. R. B., No. 277, Decision and Certification of Representatives issued April 24, 1944.

² This voting group was determined in accordance with the terms of the Stipulation of December 10, 1943, which provided for elections among groups of employees engaged in the Santa Monica plant of the Company, similar to those in which elections were conducted in the Long Beach plant of the Company. See *Matter of Douglas Aircraft Company, Inc.*, 54 N. L. R. B. 67.

³ The election conducted on February 1, 1944, permitted the employees in this group to indicate whether they desired to be represented for the purposes of collective bargaining by the U. A. W., the I. A. M., or neither of these organizations. The results of that election indicated that 26 percent of the ballots were cast for the I. A. M., 34.3 percent were cast for the U. A. W., and 39.7 percent were cast for neither. Pursuant to Article III, Section 11, of the Board's Rules and Regulations, the I. A. M. was removed from the ballot in the run-off election.

⁴ The Tally was dated February 8, 1944.

⁵ The Tally further indicates that ballots equalling 2.6 percent of the total valid votes cast were challenged, and ballots equalling 0.2 percent of the total valid votes cast were void.

report, find that the objections raise no substantial or material issues with respect to the conduct of the election held on February 8, 1944, or to the Tally of Ballots issued as a result thereof. The objections are therefore overruled.

Since no collective bargaining representative has been selected by a majority of the employees of the Company in the foregoing voting group, we shall dismiss the petition of the U. A. W. for investigation and certification of employees of the Company.

ORDER

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, 10, and 12, of National Labor Relations Board Rules and Regulations—Series 3,

IT IS HEREBY ORDERED that the petition for investigation and certification of representatives of employees of Douglas Aircraft Company, Inc., (Santa Monica Plant), Santa Monica, California, filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers (UAW-CIO), be, and it hereby is, dismissed.