

In the Matter of IMPERIAL VALLEY GRAPEFRUIT GROWERS ASSOCIATION
and TRUCK DRIVERS, WAREHOUSEMEN AND HELPERS UNION No.
898, A. F. L.

Case No. 21-R-2296.—Decided May 8, 1944

Mr. Edward Achstetter, of El Centro, Calif., for the Union.

Mr. Seymour J. Spelman, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Truck Drivers, Warehousemen and Helpers Union, No. 898, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Imperial Valley Grapefruit Growers Association, El Centro, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George H. O'Brien, Trial Examiner. Said hearing was held at Los Angeles, California, on April 14, 1944. The Union appeared, participated, was afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Company was served with a copy of the Notice of Hearing, but did not appear. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Imperial Valley Grapefruit Growers Association, a cooperative citrus packing association incorporated under the laws of the State of California and having as its members citrus growers in the Imperial Valley of California within a general radius of 40 miles of El Centro, California, is engaged in the business of packing grapefruit. During

the 1942-1943 season it packed and shipped 462 carloads of grapefruit valued in excess of \$300,000, of which 415 cars were consigned to destinations outside the State of California.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.¹

II. THE ORGANIZATION INVOLVED

Truck Drivers, Warehousemen and Helpers Union, No. 898, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of the employees in the alleged appropriate unit until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner for the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.²

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

We find, in accordance with the Union's proposal, that all truck drivers, warehousemen, and production workers, excluding clerical 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, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the pay-

¹The facts relating to the business of the Company are based upon a stipulation entered into between the Company and an attorney for the Board.

²The Field Examiner reported that the Union submitted 19 authorization cards; that the names of the 19 persons appearing on the cards were listed on the Company's pay roll, which contained the names of 29 employees in the appropriate unit, and the cards bore current dates.

roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

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 Imperial Valley Grapefruit Growers Association, El Centro, California, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Twenty-first Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by Truck Drivers, Warehousemen and Helpers Union, No. 898, A. F. L., for the purposes of collective bargaining.