

In the Matter of YUMA ICE DELIVERY COMPANY and TRUCK DRIVERS,  
WAREHOUSEMEN & HELPERS UNION #898, INTERNATIONAL BROTHER-  
HOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF  
AMERICÁ, A. F. OF L.

*Case No. 21-R-2314.—Decided June 6, 1944*

*Mr. William H. Westoker, of Yuma, Ariz., for the Company.*

*Messrs. Ed Achstetter and Arthur E. Sprague, of El Centro, Calif.,  
for the Union.*

*Mr. Louis Cokin, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Truck Drivers, Warehousemen & Help-  
ers Union #898, International Brotherhood of Teamsters, Chauff-  
eurs, Warehousemen & Helpers of America, A. F. of L., herein called  
the Union, alleging that a question affecting commerce had arisen  
concerning the representation of employees of Yuma Ice Delivery  
Company, Yuma, Arizona, herein called the Company, the National  
Labor Relations Board provided for an appropriate hearing upon  
due notice before Maurice J. Nicoson, Trial Examiner. Said hear-  
ing was held at Yuma, Arizona, on April 26, 1944. The Company  
and the Union appeared, participated, and were afforded full op-  
portunity to be heard, to examine and cross-examine witnesses, and  
to introduce evidence bearing on the issues. The Trial Examiner's  
rulings made at the hearing are free from prejudicial error and are  
hereby affirmed. All parties were afforded 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

Yuma Ice Delivery Company is an Arizona corporation with its  
principal place of business at Yuma, Arizona, where it is engaged  
in the delivery of clear and white ice and the sale of ice refrigerators.

The Company sells white ice valued in excess of \$100,000, annually, all of which goes to vegetable packers. More than 90 percent of the vegetables of the Company's packer customers are shipped to points outside the State of Arizona. During 1943 the Company sold clear ice valued at about \$22,500, less than 5 percent of which was delivered to points outside the State of Arizona.

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

## II. THE ORGANIZATION INVOLVED

Truck Drivers, Warehousemen & Helpers Union #898, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of its employees until such time as the Union is certified by the Board.

A statement of the Trial Examiner, read into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

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

The Union urges that all truck drivers and mechanics of the Company, excluding clerical and supervisory employees, constitute an appropriate unit. The Company took no position with respect to the unit. Evidence introduced at the hearing indicated that the employees claimed by the Union constitute a well-defined homogeneous group.

We find that all truck drivers and mechanics of the Company, 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.

<sup>1</sup>The Trial Examiner reported that the Union submitted an authorization petition bearing the names of eight persons who appear on the February 28, 1944 pay roll of the Company. There are approximately 20 employees in the appropriate unit

## V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-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 Yuma Ice Delivery Company, Yuma, Arizona, 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 any 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 & Helpers Union #898, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, A. F. of L. for the purposes of collective bargaining.