

In the Matter of RELIANCE MANUFACTURING COMPANY and INTERNATIONAL LADIES GARMENT WORKERS UNION

Case No. 9-R-1174

SUPPLEMENTAL DECISION

AND

ORDER

August 10, 1944

On October 21, 1943, pursuant to the decision and Direction of Election issued by the Board herein on September 29, 1943,¹ an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Ninth Region (Cincinnati, Ohio). On October 22, 1943, the Regional Director, acting pursuant to Article III, Section 10, of National Labor Relations Board Rules and Regulations—Series 2, as amended, issued and duly served upon the parties a Report on Ordered Election.

The report shows that of the approximately 823 eligible voters, 668 cast valid votes, of which 243 were for International Ladies Garment Workers Union, A. F. of L., and 425 against. Three ballots were challenged, 3 were void, and 5 were blank.

On October 25, 1943, the Union filed Objections to the Conduct of the Election, alleging, in substance, that the Company, its officers, agents, and supervisory employees urged the employees to vote against the Union, carried signs derogatory of the Union, aided, abetted, and permitted employees to commit acts of violence upon members of the Union, and otherwise interfered with the course of the election. Thereafter the Company filed its answer denying the matters set forth in the Union's Objections.

On March 22, 1944, the Board filed its Petition for Rule to show Cause, for Adjudication in Contempt and for Other Relief in the United States Circuit Court of Appeals for the Seventh Circuit, alleging that the Company and its officers and agents, by various acts of interference with the election above mentioned, had thereby disobeyed and disregarded the Court's decree of February 16, 1942, made and entered in

¹ 52 N. L. R. B. 1025.

57 N. L. R. B., No. 186.

the case of *Reliance Manufacturing Company v. National Labor Relations Board*.² A rule to show cause was issued by said court on March 29, 1944, and answers thereto were filed by the Company and by the respective individual respondents. The Board then moved for an adjudication upon the pleadings, which motion was granted, and on July 8, 1944, the said Court filed its opinion and entered its order adjudging the Company and certain of its named officers and agents as having disobeyed and violated the Court's decree of February 16, 1942, and, therefore, to be in contempt of said Court.

On July 24, 1944, the Regional Director issued a Report on Objections, wherein, on the basis of the facts set forth in the Board's Petition for Adjudication in Contempt above mentioned, and on the basis of the admissions contained in the Company's answer to said petition, filed in the said United States Circuit Court, he recommended that the election be set aside and that a new election be directed in this proceeding. No exceptions have been filed to said Report within the time provided therefor.

We have considered the Objections, the Answer thereto of the Company, and the report on Objections, and find that said Objections are well taken; we shall therefore sustain said Objections and shall set aside the election held on October 21, 1943. When the Regional Director shall advise us that the time is appropriate, we shall direct that a new election be held among the Company's employees.

ORDER

IT IS HEREBY ORDERED that the election of October 21, 1943, conducted among the employees of Reliance Manufacturing Company, Huntington, West Virginia, and the results thereof, be, and they hereby are, vacated and set aside.

CHAIRMAN MILLIS took no part in the consideration of the above Supplemental Decision and Order.

² *Reliance Mfg. Co. v. N. L. R. B.*, 125 F. (2d) 311, wherein the Court ordered the Company and its officers and agents, *inter alia*, to cease and desist from "In any other manner interfering with, restraining, or coercing its employees in the exercise of the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, or to engage in concerted activities for the purposes of collective bargaining or other mutual aid and protection as guaranteed in Section 7 of the National Labor Relations Act."