In the Matter of J. R. SIMPLOT, BURDELL CURTIS, MRS. R. A. SIMPLOT, AND JOHN D. SNOW, D/B/A J. R. SIMPLOT PRODUCE COMPANY, PAUL, IDAHO; J. R. SIMPLOT, BURDELL CURTIS, MRS. R. A. SIMPLOT, AND JOHN D. SNOW, D/B/A J. R. SIMPLOT PRODUCE COMPANY, DECLO, IDAHO; CHARLES N. CAMPBELL AND FRANK S. CAMPBELL, D/B/A C. N. CAMPBELL PRODUCE COMPANY, BURLEY, IDAHO; CHARLES N. CAMPBELL AND FRANK S. CAMPBELL, D/B/A C. N. CAMPBELL PRODUCE COMPANY, RUPERT, IDAHO; L. L. CULBERTSON, RUPERT, IDAHO; J. R. SIMPLOT, BURDELL CURTIS, MRS. R. A. SIMPLOT, AND JOHN D. SNOW, D/B/A J. R. SIMPLOT PRODUCE COMPANY, RUPERT, IDAHO *and* INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFERS, WAREHOUSEMEN, AND HELPERS OF AMERICA, LOCAL 483, AND JOINT COUNCIL 67, A. F. OF L.

Cases Nos. 19–R–1242 to 19–R–1246 inclusive and 19–R–1269

SUPPLEMENTAL DECISION

CERTIFICATION OF REPRESENTATIVES

AND

ORDERS

August 10, 1944

On April 12, 1944, the National Labor Relations Board issued its Decision and Direction of Elections in the above-entitled proceeding.[1] Pursuant to the Direction of Elections, elections by secret ballot were conducted on May 4 and 5, 1944, under the direction and supervision of the Regional Director for the Nineteenth Region, Seattle, Washington. Upon the conclusion of the election, a Tally of Ballots was furnished the parties in accordance with the Rules and Regulations of the Board.

[1] 55 N. L. R. B. 1228.

As to the balloting and its results, the Regional Director reported as follows:

J. R. Simplot Produce Company, Paul, Idaho, Case No. 19–R–1242:

Eligible voters	6
Valid votes counted	4
Votes cast for International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America, Local 483, and Joint Council 67, A. F. of L.[2]	1
Votes cast against the Union	3
Challenged ballots	0
Void ballots	0

J. R. Simplot Produce Company, Declo, Idaho, Case No. 19–R–1243:

Eligible voters	25
Number voting	14
Votes cast for the Union	6
Votes cast against the Union	8
Not voting	11

C N. Campbell Produce Company, Burley, Idaho, Case No 19–R–1244:

Eligible voters	14
Number voting	8
Votes cast for the Union	0
Votes cast against the Union	8
Not voting	6

C. N. Campbell Produce Company, Rupert, Idaho, Case No. 19–R–1245:

Eligible voters	25
Number voting	10
Votes cast for the Union	2
Votes cast against the Union	8
Not voting	15

L L. Culbertson, Rupert, Idaho, Case No. 19–R–1246:

Eligible voters	7
Valid votes counted	2
Votes cast for the Union	1
Votes cast against the Union	1
Challenged ballots	1
Not voting	4

J. R Simplot Produce Company, Rupert, Idaho, Case No. 19–R–1269:

Eligible voters	27
Valid votes counted	19
Votes cast for the Union	12
Votes cast against the Union	7
Challenged ballots	2
Void ballots	0

On May 10, 1944, the Union filed Objections to the elections in Cases Nos. 19–R–1243, 4, 5, and 6. Thereafter, on July 21, 1944, the Regional Director issued his Report on Objections. No exceptions to the Report have been filed by any of the parties. It appears from the

[2] Herein called the Union.

Report that at the time of the elections many of the eligible voters were not employed by the Companies, but were temporarily employed on farms. We are of the opinion that all of the eligible voters did not receive sufficient and adequate notice of the elections. Since in Case No. 19–R–1244, the eligible voters not notified could not have affected the results of the election, we shall dismiss the petition in that case. However, in Cases Nos. 19–R–1243, 5, and 6, the eligible voters not notified could have affected the results of the elections; accordingly, we shall set aside the elections in those cases. When the Regional Director shall advise us that normal crews are again employed by the Companies, we shall direct that new elections be held among such employees.

Since in Case No. 19–R–1269 the Union has been selected by a majority of the employees in the unit heretofore found to be appropriate for collective bargaining, we shall certify the Union in that case.

Since in Case No. 19–R–1242 no collective bargaining representative has been selected by a majority of the employees in the unit heretofore found to be appropriate, we shall dismiss the petition in that case.

CERTIFICATION

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, as amended,

IT IS HEREBY CERTIFIED that International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 483, and Joint Council 67, affiliated with the American Federation of Labor, has been designated and selected by a majority of sorters, warehousemen, truck drivers and helpers of J. R. Simplot Produce Company, Rupert, Idaho, excluding clerical employees, head sorters, and all other 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 Act, the aforesaid 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.

ORDERS

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, as amended,

IT IS HEREBY ORDERED that the petitions for investigation and certification of representatives of employees of J. R. Simplot Produce Company, Paul, Idaho, and C. N. Campbell Produce Company, Burley, Idaho, filed by International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 483, and Joint Council 67, affiliated with the American Federation of Labor, in cases Nos. 19–R–1242 and 19–R–1244, respectively, be, and they hereby are dismissed.

IT IS FURTHER ORDERED that the elections held on May 4 and 5, 1944, in Cases Nos. 19–R–1243, 5, and 6, 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, Certification of Representatives and Orders.