

In the Matter of JACOB SCHMIDT BREWING COMPANY, THEO. HAMM BREWING CO., YOERG BREWING COMPANY, INC. and INTERNATIONAL UNION OF UNITED BREWERY, FLOUR, CEREAL, AND SOFT DRINK WORKERS OF AMERICA, LOCAL UNIONS NOS. 97, 214, AND 343

Case No. 18-R-955

SUPPLEMENTAL DECISION
AND
SECOND^oDIRECTION OF ELECTION

December 16, 1944

On July 21, 1944, the National Labor Relations Board issued its Decision and Direction of Election¹ in the above-entitled proceeding. Thereafter, on August 7, 1944, Brewery Beverage Drivers and Helpers Union No. 993, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, A. F. of L., herein called the Teamsters, petitioned the Board to reconsider its Decision, and suggested that it would acquiesce in a Board finding that yard drivers should be included in its proposed unit. Thereupon, the Board, by Order issued August 9, 1944, gave the International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, Local Unions Nos. 97, 214, and 343, herein called the Brewery Workers, an opportunity to reply to the said petition, and stayed the election theretofore directed, pending the Board's disposal of the petition.

Upon the entire record in the case, including the petition filed by the Teamsters and the answer filed thereto by the Brewery Workers, we find no warrant for altering our Decision herein. The Teamsters' petition is therefore denied. We shall, accordingly, provide in our Second Direction of Election, hereinafter set forth, for the conduct of an election in the unit originally determined to be appropriate. As provided in the original Decision and Direction of Election, should the Teamsters desire to participate in the election as herein directed, and notify the Regional Director within ten (10) days after the date of the issuance of this Supplemental Decision and Second Direction of Election of its desire to participate, we shall entertain a motion to that effect.

¹ 57 N. L. R. B. 548.

SECOND 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, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Jacob Schmidt Brewing Company, Theo. Hamm Brewing Company, and Yoerg Brewing Company, Inc., all of St. Paul, Minnesota, 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 Eighteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 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 the 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 International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, Local Union Nos. 97, 214, and 343, for the purposes of collective bargaining.

MR. GERARD D. REILLY, dissenting:

Since the Teamsters' union is now willing to amend its proposed unit to include yard drivers, I would, for the reasons expressed in my concurring opinion herein, direct a self-determination election among the drivers involved in this proceeding.