In the Matter of BENDIX RADIO DIVISION OF BENDIX AVIATION CORP. *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, A. F. OF L.

In the Matter of BENDIX RADIO DIVISION OF BENDIX AVIATION CORP. *and* UNITED ELECTRICAL RADIO & MACHINE WORKERS OF AMERICA, CIO

Cases Nos. 5-R-1732 and 5-R-1782, respectively

SUPPLEMENTAL DECISION
DIRECTION
AND
CERTIFICATION OF REPRESENTATIVES

February 21, 1945

On January 30, 1945, pursuant to the Decision and Direction of Elections issued by the Board on January 4, 1945,[1] separate elections by secret ballot were conducted under the direction and supervision of the Regional Director for the Fifth Region (Baltimore, Maryland). Upon the conclusion of the elections, Tallies of Ballots were furnished the parties in accordance with the Rules and Regulations of the Board.

The Talley with respect to the election conducted in the production and maintenance unit shows the following:

Approximate number of eligible voters	2860
Votes cast for International Association of Machinists, A F. of L, herein called the IAM	1170
Votes cast for United Electrical Radio & Machine Workers of America, CIO, herein called the UE	846
Votes cast against participating labor organizations	313
Valid votes counted	2329
Challenged ballots	66

Inasmuch as it appeared that the challenged ballots might affect the results of this election, the Regional Director, pursuant to Article III, Section 10, of National Labor Relations Board Rules and Regulations—Series 3, as amended, investigated the issues raised by the challenged ballots and, on February 5, 1945, issued and duly served upon the parties a Report On Challenges in which he recommended that 52 of the challenged ballots be declared valid and opened, and that the challenges be sustained as to the remaining 14 ballots. On February 9, the UE filed "Objections" to the Report On Challenges,[2] disagreeing only with the Regional Director's recommendations with

[1] 59 N. L R. B. 1470

[2] On February 5, 1945, the UE filed Objections, apparently to the election conducted in the production and maintenance unit However, by letter dated February 9, the UE notified the Regional Director for the Fifth Region that it desired that the challenged ballots be counted before the Board ruled on its Objections. It further stated that "In the event the results of the tally of challenged ballots indicates that a run-off election will be held, we will withdraw our objections to the election."

respect to 6 of the challenges.[3] The IAM, by letter dated February 8, 1945, agreed with the Regional Director's recommendations. No exceptions were filed by the Company. It thus appears that all parties are in accord that 47 challenged ballots should be opened and that 13 be declared invalid.

The Board has considered the Regional Director's Report, the "Objections" of the UE, and the letter of the IAM, and finds that the following employees herein referred to as Group A, were eligible to vote in the election conducted in the production and maintenance unit:

Arthur Thomas	[4] 48022	Charles Strait	7077
William May	56082	Evelyn Hutson	38321
E. W. Wrightson	38053	Mona Tormey	6285
Robert Dobson	11188	R Baker	56035
Earl Geary	56015	W. Eckenrode	56009
N. Remesch	56026	L Brooks	56007
Olga Tydings	35114	Ruth Meyers	22644
H. T. Bosson	22083	M. P Oliveria	7016
S. T. Kury	23092	C J. Welsh	38001
J. Crisfulli	38046	H E. Grove	38143
Mary Chast	1096	M. Fink	23290
Elma Messick.		C. G Abrams.	
M. Levinsohn	38159	H. E. Graybeal	1076
A. M. Weszka	23039	C. A. Quintillian	55051
G. S. Lehmann.		George Heuer	1079
J. B. Harris	38086	L Darrell	53006
Mary M. Wiherle	23253	Anna Barnes	17051
Marion Arion	16108	Edna Meade	4297
Christine Agnes McGowan	54214	Donald O'Laughlin	20065
David Huddleston	12085	James Skane	57023
William Purdum	34071	Emmett O'Brien	54109
Joseph Hall	57025	John Lancaster	12099
Ella Reiger.		Eva Ingham.	
Eulalia Duley Sandstrom.			

We shall, therefore, overrule the challenges to their ballots and direct that their ballots be opened and counted.

We also find that the following employees were ineligible to vote:

Helen Schuller	54018	F. L. Merryman	54210
Mildred Wentz	40070	Burtha Gaylord	18169
Doris Moore	54153	William Ritter.	
T. F Isat	97038	E. R. Harrison	97036
J. Vaith	97048	R. J. Reichert	97047
Agnes Schaffer.		Rita Mitzel.	
Virginia Ulrick.			

Accordingly, their ballots are declared invalid and the challenges to these ballots are sustained.

[3] The UE contends that the challenges to the ballots of John Nelson, clock No. 95008, Donald Smith, clock No 95009, Hazel Basler, clock No. 81101, George Volz, clock No. 81103, and A. M Snyder, clock No. 53012, should be sustained, and that the challenge to the ballot of Bernice Bass should be overruled.

[4] Clock number assigned to the respective employees.

Since the results of the election conducted in the production and maintenance unit may be determined by counting the challenged ballots declared valid, we shall direct that such ballots be opened and counted. If after counting the challenged ballots declared valid the results of the election are not conclusive, we shall then act upon the six unopened challenged ballots.[5]

It appears from the Tally of Ballots with respect to the election held in the timekeepers' and counters' unit that a collective bargaining representative has been selected, since of the approximately 57 eligible voters, 41 cast valid votes, of which 35 were for the UE, 4 for the IAM, 2 for neither, and the 1 challenged ballot[6] is insufficient to affect the results of the election. No objections have been filed by any of the parties regarding this election within the time provided therefor.

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

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Bendix Aviation Corp., Baltimore, Maryland, the Regional Director for the Fifth Region shall, pursuant to said Rules and Regulations, within ten (10) days from the date of this Direction, open and count the challenged ballots of the employees in Group A set forth above, and thereafter prepare and cause to be served upon the parties a Supplemental Tally of Ballots including therein the count of said challenged ballots, and

IT IS HEREBY CERTIFIED that United Electrical Radio & Machine Workers of America, CIO, has been designated and selected by a majority of all timekeepers and counters of the Company's plants located in the Baltimore, Maryland, area, which are part of the Bendix Radio Division, excluding the head timekeeper, assistant head timekeepers, 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 said 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.

---

[5] As hereinabove noted, the ballots of 66 persons were challenged and we have disposed of 60 challenged ballots.

[6] The challenge to the ballot cast by Agnes Schaffer was inadvertently included in the Tally of Ballots in the production and maintenance unit. Accordingly, the Regional Director, in his Report On Challenges, amended the Tally in the timekeepers' and counters' unit so as to show this challenge.