

In the Matter of WESTINGHOUSE ELECTRIC CORPORATION, EMPLOYER
and ASSOCIATION OF WESTINGHOUSE SALARIED EMPLOYEES, AFFILI-
ATED WITH FEDERATION OF WESTINGHOUSE INDEPENDENT SALARIED
UNIONS, PETITIONER

Case No. 20-R-2176

SUPPLEMENTAL DECISION

AND

DIRECTION

December 16, 1947

On July 29, 1947, pursuant to a Decision and Direction of Election¹ issued by the Board, an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Twentieth Region, San Francisco, California. Upon completion of the election, the Regional Director issued and duly served upon the parties a Tally of Ballots. The Tally shows that there were approximately 107 eligible voters, and that 87 ballots were cast, of which 33 were for the Petitioner, 36 were for the Intervenor, 4 were for neither labor organization, and 14 were challenged. The Tally further shows that the challenged ballots are sufficient in number to affect the results of the election.

On August 11, 1947, a stipulation signed by all the parties was filed with the Regional Director. The stipulation provides that the challenged ballots of four design engineer employees, J. S. Austin, W. Boe, D. P. Morton, and D. Tredor, should not be counted because they are professional employees within the meaning of the National Labor Relations Act, as amended; that the challenged ballot of N. E. Blazer should not be counted because he is a supervisor; and that the nine remaining challenged ballots should be opened and counted inasmuch as they are not professional employees. The stipulation further provided that it may be incorporated in and made a part of the record herein, that the parties waive further proceedings on the issue of the challenged ballots, and that the Board may issue an appropriate order forthwith.

¹ 74 N. L. R. B. 153, as amended on July 15, 1947.

75 N. L. R. B., No. 66.

The Board hereby approves the above-mentioned stipulation and hereby includes the stipulation as a part of the record in this proceeding. We accordingly find that J. S. Austin, W. Boe, D. P. Morton, D. Tredor, and N. E. Blazer were not eligible to vote in the election and their ballots are hereby declared invalid. We also find that the nine remaining employees were eligible to vote and their ballots are hereby declared valid. Since the results of the election may depend upon the counting of the nine challenged ballots declared valid, we shall direct that they be opened and counted.

DIRECTION

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, as amended, and pursuant to Section 203.61 of National Labor Relations Board Rules and Regulations—Series 5, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Westinghouse Electric Corporation, Emeryville, California, the Regional Director for the Twentieth Region shall, pursuant to the Rules and Regulations of the Board set forth above, within ten (10) days from the date of this Direction, open and count the ballots of E. Aboumrad, K. L. Bitzer, F. Miller, L. Duggan, V. Jiminez, H. J. Karcher, H. J. Cabral, W. E. Farrell, and D. S. Shannon, and thereafter prepare and serve upon the parties to this proceeding a Supplemental Tally of Ballots.

CHAIRMAN HERZOG took no part in the consideration of the above Supplemental Decision and Direction.