

In the Matter of ALASKA SALMON INDUSTRY, INC., EMPLOYER and  
RADIO OFFICERS' UNION, MARINE DIVISION, COMMERCIAL TELEGRAPHERS UNION, AFL, PETITIONER

*Case No. 19-RC-6.—Decided July 22, 1948*

DECISION  
AND  
DIRECTION OF ELECTION

Upon a petition duly filed, hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and, with the exception noted below, are hereby affirmed.<sup>1</sup>

<sup>1</sup>At the hearing, the hearing officer, over the objection of the Petitioner, granted the motion of Radio Division of the Marine Engineers Beneficial Association of the Pacific Coast (CIO), herein called the Radio Marine Engineers, to intervene in this proceeding finding, contrary to the contention of the Petitioner, the record established that the Radio Marine Engineers was not affiliated with American Communications Association, CIO, herein called the A. C. A., an organization not in compliance with the filing requirements of the Act as amended. In view of certain written allegations made by the Petitioner after the close of the hearing in further support of its contention, the Board caused to be served upon the parties an Order To Show Cause why the hearing officer's ruling permitting intervention to the Radio Marine Engineers should not be overruled.

Upon the basis of the evidence adduced at the hearing and the information received by the Board in response to the Order To Show Cause, it appears (1) that the Radio Marine Engineers was the same organization that had formerly been known as Local 3 of the A. C. A.; (2) that, on or about February 25, 1948, said organization permanently severed its affiliation with the A. C. A. and was granted a provisional charter by the National Marine Engineers Beneficial Association (CIO), herein called the N. M. E. B. A.; (3) that at its annual convention held at Jacksonville, Florida, from May 17 to 22, 1948, the N. M. E. B. A. refused to grant the Radio Marine Engineers a permanent charter and rescinded the provisional charter theretofore granted; (4) that thereafter, on or about May 25, 1948, Local Union No. 6, International Brotherhood of Electrical Workers, AFL, established a "special Provisional Unit" known as Marine Radio Officers Unit of Local Union No. 6, I. B. E. W., also apparently sometimes referred to as Marine Radio Officers of the Pacific, International Brotherhood of Electrical Workers, AFL, and herein called the Marine Radio Officers, for the purpose of affording the organization formerly known as the Radio Marine Engineers an opportunity to affiliate with the International Brotherhood of Electrical Workers, AFL. No proof has been offered to establish that the Marine Radio Officers is the sole successor to the Radio Marine Engineers.

Inasmuch as it appears that no labor organization known as Radio Division of the Marine Engineers Beneficial Association of the Pacific Coast (CIO) now exists, we find it unnecessary to pass upon the propriety of the hearing officer's ruling permitting its intervention at the time of the hearing. Under all the circumstances, we find that the Marine Radio Officers have failed to establish an interest in the subject matter of this proceeding sufficient to entitle it to the right to intervene. It is therefore denied intervention.

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Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.\*

Upon the entire record in this case, the Board finds:

1. The Employer<sup>2</sup> and its members are each engaged in commerce within the meaning of the National Labor Relations Act.

2. The labor organizations named below claim to represent employees of the Employer.

3. A question of representation exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The following employees of the Employer-Members of ASI constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All licensed radio officers<sup>3</sup> who operate and maintain radio telegraphic equipment or radio telephone equipment or both at cannery shore stations in Alaska, but excluding permit holders who operate only radio telephone equipment, repair men hired occasionally for specific repair jobs, and all supervisors, as defined in the amended Act.

5. Operations at the canneries of the Employer-Members of ASI are seasonal in nature. Although the canneries were not in operation at the time of the hearing, it was estimated that employment would start a few days after the hearing and increase gradually until about July 1. In view of the fact that the canneries' season is just beginning to open, we are of the opinion that an election should not be held at this time. As it is presently impossible to determine when the Employer-Members will achieve full production during the 1948 season, we shall not fix a specific date for holding the election, but shall direct that an election be held at such time during the 1948 season as the Regional Director deems appropriate.<sup>4</sup>

The Intervenor contends that if an election is directed after the 1948 season begins, all the employees who worked for the Employer-Members during the 1947 season should be permitted to participate in the election as well as those who have been hired for the 1948 season because the previous season's workers have a reasonable expectancy of reemployment. Although the Petitioner agrees that both the 1947 and the 1948 pay rolls should be used to determine eligibility if the

\*Chairman Herzog and Members Reynolds and Murdock

<sup>2</sup>The Alaska Salmon Industry, Inc, herein called ASI, is a nonprofit corporation composed of employer-members who operate salmon canneries in the Territory of Alaska. ASI admits and we find, that it is an employer within the meaning of Section 2 (2) of the Act.

<sup>3</sup>These employees are licensed by the Federal Communications Commission.

<sup>4</sup>*Matter of Loggett and Meyers Tobacco Company*, 74 N. L. R. B. 443

election is held after the start of the 1948 season, it contends, as does the Employer, that if the election is held after employment for the 1948 season is complete, then eligibility shall be limited to the pay-roll period immediately preceding the date of the election. The Employer-Members have for many seasons reemployed a large proportion of the previous season's workers. There is no showing in the record, however, that all the employees who worked during the 1947 season will be rehired. Under the circumstances, we shall direct that the employees of the Employer-Members eligible to vote in the election shall be those in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the election.

### DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Alaska Salmon Industry, Inc., Seattle, Washington, an election by secret ballot shall be conducted during the salmon canneries' season of 1948 on a date to be determined by the Regional Director for the Nineteenth Region, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date on which the Regional Director issues the notice of election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented by Radio Officers' Union, Marine Division, Commercial Telegraphers Union, AFL, for the purposes of collective bargaining.