

In the Matter of THE H. C. GODMAN COMPANY, EMPLOYER and INTERNATIONAL UNION OF THE UNITED SHOE WORKERS OF AMERICA, CIO, PETITIONER

Case Nos. 9-UA-791 and 9-UA-792.—Decided September 28, 1948

DECISION

AND

ORDER

Upon separate petitions duly filed pursuant to Section 9 (e) (1) of the National Labor Relations Act, union-security elections were conducted by the Regional Director for the Ninth Region, in accordance with the provisions of Section 203.67 of the Board's Rules and Regulations, at the Employer's plants at Logan, Ohio, on July 15, 1948 (Case No. 9-UA-792), and at Columbus, Ohio, on July 16, 1948 (Case No. 9-UA-791). At the close of each of the elections, the parties were furnished a Tally of Ballots which, in each instance, shows that a majority of the eligible employees voted in favor of the proposition placed before them.¹

On July 19, 1948, the Employer filed objections to the conduct of the elections, alleging, in substance, that International Union of United Shoe Workers of America, CIO, the Petitioner, is not, and never has been, the bargaining representative of the employees, as required by Section 9 (e) (1) of the Act, but that Local 153 and Local 155, respectively, of the United Shoe Workers of America, CIO, are and have been, the exclusive bargaining representatives of these employees since they were so designated by the Board in 1941. On August 20, 1948, after due investigation, the Regional Director issued his Report on Objections.

In his Report, the Regional Director found that, on June 7, 1941, pursuant to the results of a consent election, United Shoe Workers of America, Local 153, CIO, was designated by a majority of the employees at the Employer's Logan, Ohio, plant as their bargaining agent and that on December 1, 1941, as the result of a consent card

¹ I e., "Do you wish to authorize [the Petitioner] to enter into an agreement with your Employer which requires membership in such union as a condition of continued employment?"

check conducted by the Regional Director, United Shoe Workers of America, Local 155, CIO, was designated by a majority of the employees at the Employer's Columbus, Ohio, plant as their bargaining agent. He further found that, thereafter, from 1941 to 1945, successive collective bargaining contracts covering these two groups of employees were entered into between the Employer and United Shoe Workers of America, Local 153 and Local 155, respectively; that in 1946 and 1947, similar contracts covering these groups of employees were executed by the Employer and "United Shoe Workers of America on behalf of Local 153" and "on behalf of Local 155," respectively; and that all such contracts have been signed by representatives of the respective locals. Neither Local 153 nor Local 155 is in compliance with Section 9 (f), (g), and (h) of the Act, as amended. Upon the basis of these facts, administratively determined, the Regional Director concluded that Locals 153 and 155 have in the past been parties to and participated in the administration of collective bargaining agreements covering the employees who participated in the elections held in the instant proceeding; and that because of the failure of Local 153 and Local 155 to comply with the filing requirements of the Act, as amended, the Employer's objections raised substantial and material issues which the Board should determine.

No exceptions have been filed to the Regional Director's Report. Accordingly, we² adopt his factual findings and conclusions. Upon the basis thereof, we conclude that the Petitioner is in fact acting in behalf of its Local 153 and Local 155 in these proceedings and that therefore, because of the failure of Local 153 and Local 155 to comply with the filing requirements of the Act, as amended, we are precluded from entertaining the petitions filed herein by their parent organization.³ Accordingly, we hereby sustain the Employer's objections and shall dismiss the petitions.

ORDER

Upon the basis of the entire record in this case, the National Labor Relations Board hereby orders that the petitions filed in this matter be, and they hereby are, dismissed.

² Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board members [Chairman Herzog and Members Reynolds and Murdock].

³ See *Matter of Lane-Wells Company*, 77 N. L. R. B. 1051; 79 N. L. R. B. 252; *Matter of Rub-R Engraving Company*, 79 N. L. R. B. 332.