

In the Matter of STRAITSVILLE BRICK COMPANY, EMPLOYER and ROBERT
F. BLANKENSHIP, PETITIONER

Case No. 9-RD-27.—Decided September 28, 1948

DECISION
AND
DIRECTION OF ELECTION

Upon a petition for decertification duly filed, a hearing in this case was held at Logan, Ohio, on August 20, 1948, before Martin Sacks, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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 is engaged in commerce within the meaning of the National Labor Relations Act.
2. The Petitioner, an employee of the Employer, asserts that the United Brick and Clay Workers of America, AFL, hereinafter called the Union, is no longer the representative of the employees as defined in Section 9 (a) of the Act.

The Union, a labor organization affiliated with the American Federation of Labor, was certified on July 1, 1947, in Case No. 9-R-2602, pursuant to a Decision and Certification of Representatives, as the exclusive bargaining representative of the Employer's employees at its plant at New Straitsville, Ohio.¹

3. A question affecting commerce 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.

*Chairman Herzog and Members Houston and Reynolds.

¹The certification of the Union has not resulted in the execution of a bargaining agreement with the Employer.

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

All production and maintenance employees at the Employer's New Straitsville, Ohio, plant, excluding office and clerical employees, supervisors, guards, and professional employees as defined in the Act.²

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, as amended, 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 of this Direction 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, for purposes of collective bargaining, by United Brick and Clay Workers of America, AFL.

² The unit is in substance the same unit as that for which the Union was certified as bargaining representative. The description has been changed slightly to conform with the provisions of the amended Act.