

IN the Matter of GENERAL CHEMICAL DIVISION, ALLIED CHEMICAL AND DYE CORPORATION, EMPLOYER *and* MARVIN EISEN, AN INDIVIDUAL, PETITIONER *and* LOCAL No. 128, OIL WORKERS INTERNATIONAL UNION, CIO, UNION

Case No. 21-RD-48.—Decided November 16, 1948

DECISION
AND
DIRECTION OF ELECTION

Upon a petition for decertification duly filed, a 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 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 the case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.
2. The Petitioner asserts that the Union is no longer the bargaining representative of the employees of the Employer as defined in Section 9 (a) of the Act.

The Union was certified on June 19, 1947, as exclusive bargaining representative of the employees in the unit described below, following an election held pursuant to a Stipulation for Certification on Consent Election.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.²

*Chairman Herzog and Members Houston and Gray.

¹ *Matter of General Chemical Company*, Case No 21-R-3984.

² We find without merit the Union's contention that its contract, originally due to expire on August 21, 1948, was extended for a period of 60 days, and is therefore a bar to an election. In any event, the latest possible terminal date of the contract was less than 30 days distant at the time of the hearing on September 28, 1948, and has now been reached. *Matter of Clark Bros. Co., Inc.*, 66 N. L. R. B. 849.

80 N. L. R. B., No. 70.

4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All hourly paid employees at the Employer's warehouse at 2433 East 8th Street, Los Angeles, California, excluding salaried shipping clerks, office and clerical employees, foremen, guards, watchmen, professional employees, and supervisors.

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 Local No. 128, Oil Workers International Union, CIO.