

In the Matter of THE UNIVIS LENS COMPANY, EMPLOYER *and* DWIGHT LUDWICK, PETITIONER *and* UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA, LOCAL 768, CIO, UNION

*Case No. 9-RD-20*

SUPPLEMENTAL DECISION

AND

DIRECTION OF SECOND ELECTION

*June 7, 1949*

On April 19, 1949, the Board issued a Decision and Order Setting Aside the Election of July 23, 1948, in the above-entitled proceeding<sup>1</sup> on the ground that certain conduct of the Employer, which occurred so shortly before the election as to have been calculated to have an effect upon the action of the employees at the polls, interfered with their free exercise of the right to choose a bargaining representative. The Board ruled that a new decertification election would be held when the Regional Director advised that the circumstances would permit a free choice of representatives among the employes concerned.

The Regional Director has advised the Board that an election may now appropriately be conducted. Accordingly, we shall direct that a second election be held.<sup>2</sup>

DIRECTION OF SECOND ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with The Univis Lens Company, Dayton, Ohio, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction of Second Election, under the direction and supervision of the Regional Director for the Ninth Region, 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 of our Decision and Direction of Election of June 29, 1948, who were employed during the pay-roll period immediately preceding the date of this Direction of Second

<sup>1</sup> *Matter of The Univis Lens Company*, 82 N. L. R. B. 1390.

<sup>2</sup> The Board has considered and rejected the Union's contention that the time is not now appropriate for holding a new election.

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 the purposes of collective bargaining, by United Electrical, Radio and Machine Workers of America, Local 768, CIO.<sup>3</sup>

MEMBER GRAY took no part in the consideration of the above Supplemental Decision and Direction of Second Election.

<sup>3</sup> We shall place the name of the Union on the ballot, although it has not complied with the filing requirements of the Act. If it wins the election, it will be certified only if it is then in compliance with Section 9 (f) and (h) of the Act; otherwise, the Board will only certify the arithmetical results of the election. See *Matter of Harris Foundry and Machine Co.*, 76 N. L. R. B. 118.