

In the Matter of COOPERATIVE INDUSTRIES, INC., EMPLOYER *and* JAMES W. BICKNELL, PETITIONER *and* GENERAL WAREHOUSEMEN'S LOCAL UNION #418, AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL

Case No. 9-RD-39.—Decided September 12, 1949

DECISION

AND

ORDER

Upon a petition for decertification duly filed, a hearing was held before Lloyd R. Fraker, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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 labor organization involved claims to represent employees of the Employer.

3. No 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, for the following reasons:

On April 30, 1948, the Union, having won a Board-conducted election,¹ was certified as the collective bargaining agent of the production and maintenance employees of the Employer. On June 16, 1948, the Union and Employer executed an agreement covering the employees in the unit. This agreement provided that it should be effective for a period ending June 16, 1949, and contained a 60-day automatic renewal clause. Such renewal was precluded by timely notice in April 1949.

On March 22, 1949, the Petitioner filed the decertification petition herein, claiming that the Union no longer represented the employees in the unit. Although the petition was timely filed in relation to the terms of the contract, we have recently reaffirmed the long-estab-

¹ Consolidated cases 9-RC-65 and 9-RM-16.

lished policy that a union is ordinarily entitled to a year from the date of its certification to bargain collectively, free from intrusion upon that process by early rival-union or decertification petitions.² Nor should the fact that the bargaining was successful and a contract was executed during the first certificate year detract from the certified union's right to a year of undisturbed bargaining relations. As the petition herein was filed well before the end of the certificate year, we shall dismiss it, without prejudice to the filing of a new, timely petition.³

ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed.

MEMBER REYNOLDS took no part in the consideration of the above Decision and Order.

² *Matter of General Box Company*, 82 N. L. R. B. 678; *Matter of Mengel Company, Fibre Container Division*, 80 N. L. R. B. 705; *Matter of Lift Trucks, Inc.*, 75 N. L. R. B. 998.

³ Cf. *Matter of Reedley Ice Company*, 85 N. L. R. B. 1205.