

In the Matter of WHITE MOTOR COMPANY, EMPLOYER and LOCAL LODGE #778, INTERNATIONAL ASSOCIATION OF MACHINISTS, AND LOCAL NO. 498, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL, PETITIONERS

Case No. 17-RC-522.—Decided October 4, 1949

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Charles F. McCoy, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

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-member panel [Members Reynolds, Murdock, and Gray].

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 organizations involved claim to represent certain employees of the Employer.

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

4. All mechanics, mechanics' helpers, machinists, electricians, body men, and employees in the parts department of the Employer's Kansas City, Missouri, branch service department, excluding office employees, janitors, and supervisors as defined in the Act, constitute a

¹ At the hearing, the Employer objected to the petition upon the ground that it was incomplete in that the Petitioners did not fill in certain blanks with respect to the current contract and bargaining representative. This technical defect, which was remedied at the hearing and certainly did not prejudice the Employer, is no basis for any valid objection. *Matter of C & M Lumber Co., Inc.*, 83 N. L. R. B. 1258.

² The Intervenors, International Union, United Automobile Workers of America, AFL, and its affiliate, Local Union No. 447, contend that Local 477's contract covering the employees involved is a bar to this proceeding. As a substantial doubt has arisen as to whether Local 447 is still the bargaining representative, the contract cannot operate as bar in this case, for reasons set forth in *Matter of Fruchauf Trailer Company, et al.*, 85 N. L. R. B. 1509.

unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.³

5. The petition in this case was filed jointly by the Petitioners. The Employer contends that it is improper for the Board to entertain a petition jointly signed by two unions, and, presumably, that it would be improper for the Board to certify the Petitioners jointly as the bargaining representative of the employees in the unit found appropriate. We see no reason to depart from our past practice in such cases.⁴ The names of the Petitioners will appear jointly on the ballot, and, if they are successful in the election hereinafter directed, they will be certified jointly as the bargaining representative of the employees in the entire appropriate unit. The Employer may then insist that the Petitioners bargain jointly for such employees as a single unit.

DIRECTION OF ELECTION ⁵

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, 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 they desire to be represented, for purposes of collective bargaining, by Local Lodge #778, International Association of Machinists and Local No. 498, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL, jointly, or by Local Union No. 447, International Union, United Automobile Workers of America, AFL, or by neither.

³ All parties agreed to the appropriateness of this unit, which conforms to the unit description in the contract between the Employer and Local 447, in the event the Board decided to order an election.

⁴ *Matter of Welding Shipyards, Inc.*, 81 N. L. R. B. 936; *Matter of The Murray Company*, 77 N. L. R. B. 481; *Matter of General Motors Corporation*, 67 N. L. R. B. 233.

⁵ Any participant in the election directed herein may, upon its prompt request and approval thereof by the Regional Director, have its name removed from the ballot.