

In the Matter of AMERICAN FRUIT AND STEAMSHIP COMPANY, EMPLOYER
and INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL, PETI-
TIONER

Case No. 10-RC-709.—Decided January 19, 1950

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Gilbert Cohen, 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-member panel [Chairman Herzog and Members Reynolds and Murdock].

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 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.

4. We find, in accordance with the stipulation of the parties, that all employees of the Employer employed in loading and/or discharging vessels through the port of Tampa, Florida, including stackers, beltman, holdmen, fruit cutters, water boys, cleanup men, riggers, winchmen, and gang headers, but excluding professional employees, guards, supervisors as defined in the Act, and all other employees, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

DIRECTION OF ELECTION ¹

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by

¹ As 70 percent of the employees involved are employed intermittently, the parties stipulated that to be eligible to vote an employee must have been named on eight or more different payrolls within the 6-month period immediately preceding the date on which the petition was filed herein. We believe that accepting this stipulation in its entirety might possibly disenfranchise employees hired after the filing of the petition, who otherwise might be eligible to vote. We shall, under these circumstances, modify the stipulation to the extent set forth in the Direction of Election.

secret ballot shall be conducted as early as possible, but not later than 45 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, whose names appear on eight or more different payrolls within the period commencing June 1, 1949, and ending with the payroll immediately preceding the date of this Direction of Election, 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 International Longshoremen's Association, AFL.