

In the Matter of AMERICAN FRUIT GROWERS, INC., L. V. BROWN—ESTATE, AMERICAN FRUIT GROWERS, INC., ANDREWS BROS. CO., BREAK ALLEN PACKING HOUSE, BRYN MAUR FRUIT GROWERS ASSOCIATION, CHEROKEE CITRUS CO., INC., CRAFTON ORANGE GROWERS ASSOCIATION, EAST HIGHLANDS CITRUS ASSOCIATION, EAST HIGHLANDS ORANGE CO., ELEPHANT ORCHARDS, EVANS BROS. PACKING CO., GAVILAN CITRUS ASSOCIATION, GOLD BANNER ASSOCIATION,\* GOLD BUCKLE ASSOCIATION, HIGHGROVES FRUIT ASSOCIATION, HIGHLAND FRUIT GROWERS ASSOCIATION, HIGHLAND MUTUAL GROVES, INC., HILLSIDE CITRUS CO., INC., KRINARD PACKING CO., I. L. LYONS & SONS PACKING HOUSE, McDERMOTT FRUIT CO.,\* MISSION CITRUS ASSOCIATION, MONTE VISTA CITRUS ASSOCIATION, MUTUAL ORANGE DISTRIBUTORS, NATIONAL ORANGE CO., RANDOLPH MARKETING CO.,\* REDLANDS CO-OPERATIVE FRUIT ASSOCIATION, REDLANDS ORANGEDALE ASSOCIATION, REDLANDS ORANGE GROWERS ASSOCIATION, REDLANDS FOOTHILL GROVES, REDLANDS HEIGHTS GROVES, REDLANDS MUTUAL ORANGE ASSOCIATION, REDLANDS SELECT GROVES, RIALTO CITRUS ASSOCIATION, RIALTO HEIGHTS ASSOCIATION, RIALTO ORANGE CO., RIVERSIDE-ARLINGTON HEIGHTS FRUIT EXCHANGE, RIVERSIDE CITRUS ASSOCIATION, RIVERSIDE GROWERS, INC., RIVERSIDE HEIGHTS ORANGE GROWERS ASSOCIATION, SIERRA VISTA PACKING ASSOCIATION, SIGNAL FRUIT ASSOCIATION, SOUTHERN CITRUS ASSOCIATION, UNITED CITRUS GROWERS,\* VICTORIA AVENUE CITRUS ASSOCIATION, E. T. WALL, GROWER-SHIPPER, WESTERN FRUIT GROWERS, INC., MUTUAL ORANGE DISTRIBUTORS, AND/OR MUTUAL ORANGE ASSOCIATION *and* CITRUS WORKERS ORGANIZING COMMITTEE, FTA-CIO

*Cases Nos. 21-R-2729 through 21-R-2776 and 21-R-2780.—Decided April 2, 1945*

*Mr. George C. Lyon*, of Los Angeles, Calif., for the Companies, with the exception of Elephant Orchards Association, Zilen Citrus Co., Fred Hill, and McDermott Fruit Co.

*Mr. L. T. Cunningham*, of Los Angeles, Calif., for the Citrus Workers.

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\*The record indicates that these are the correct names of the employers involved.

*Messrs. H. C. Torreano, Archie Neal, and Thomas Cooper, all of Los Angeles, Calif., and Mr. Earl Wilson,<sup>1</sup> of San Bernardino, Calif., for the Teamsters.*

*Mr. David V. Easton, of counsel to the Board.*

## DECISION

### DIRECTION OF ELECTIONS

AND

### ORDER

#### STATEMENT OF THE CASE

Upon 49 separate petitions duly filed by Citrus Workers Organizing Committee, FTA-CIO, herein called the Citrus Workers, alleging that questions affecting commerce had arisen concerning the representation of employees of American Fruit Growers, Inc., Riverside, California; L. V. Brown—Estate, Highgrove, California; American Fruit Growers, Inc., Redlands and Highland, California; Andrews Bros. Co., Riverside, California; Break Allen Packing House, Bryn Maur, California; Bryn Maur Fruit Growers Association, Bryn Maur, California; Cherokee Citrus Co., Inc., Highland, California; Crafton Orange Growers Association, Mentone, California; East Highlands Citrus Association, East Highland, California; Evans Bros. Packing Co., Riverside, California; Gavilan Citrus Association, Riverside, California; Gold Banner Association, Redlands, California; Gold Buckle Association, Highland and East Highland, California; Highgroves Fruit Association, Highgrove, California; Highland Fruit Growers Association, Highland, California; Highland Mutual Groves, Inc., Highland, California; Krinard Packing Co., Riverside, California; McDermott Fruit Co., Riverside, California; Mission Citrus Association, Bryn Maur, California; Monte Vista Citrus Association, Riverside, California; National Orange Co., Riverside, California; Randolph Marketing Co., Bryn Maur, California; Redlands Cooperative Fruit Association, Redlands, California; Redlands Orangedale Association, Redlands, California; Redlands Orange Growers Association, Redlands, California; Redlands Foothill Groves, Redlands, California; Redlands Heights Groves, Redlands, California; Redlands Mutual Orange Association, Redlands, California; Redlands Select Groves, Redlands, California; Rialto Citrus Association, Rialto, California; Rialto Heights Association, Rialto, California; Ri-

<sup>1</sup> Mr. Wilson appeared on behalf of the Central Labor Council of the American Federation of Labor. Both the Teamsters and the Central Labor Council are affiliated with the same parent organization.

alto Orange Co., Rialto, California; Riverside Citrus Association, Riverside, California; Riverside Growers, Inc., Riverside, California; Riverside Heights Orange Growers Association, Riverside, California; Sierra Vista Packing Association, Riverside, California; Signal Fruit Association, Highland, California; Southern Citrus Association, Redlands, California; United Citrus Growers, Colton, California; Victoria Avenue Citrus Association, Casa Blanca, California; E. T. Wall, Grower-Shipper, Riverside, California; and Western Fruit Growers, Inc., Redlands, California, herein collectively called the Companies, the National Labor Relations Board, by an order dated March 16, 1945, consolidated the cases and provided for an appropriate hearing upon due notice before Maurice J. Nicoson, Trial Examiner. Said hearing was held at Redlands, California, on March 23, 1945. The Companies, the Citrus Workers, Western Warehouse and Produce Council of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, A. F. L., herein called the Teamsters, and Central Labor Council appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The record indicates that East Highland Orange Co., Elephant Orchards, Mutual Orange Distributors, Riverside-Arlington Heights Fruit Exchange, and Mutual Orange Distributors and/or Mutual Orange Association do not operate packing sheds. Since, as hereinafter indicated, the Citrus Workers seeks units of employees engaged in packing sheds, the petitions in Cases Nos. 21-R-2738, 21-R-2739, 21-R-2753, 21-R-2766, and 21-R-2780 will be dismissed. The record indicates that, with respect to Cases Nos. 21-R-2747 and 21-R-2749, Hillside Citrus Co., Inc., and I. L. Lyons & Sons Packing House, the employers mentioned therein, are no longer in existence. The petitions as to these two will also be dismissed.<sup>2</sup> The Trial Examiner's rulings made at the hearing are free from prejudicial error, and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

Upon the entire record in these consolidated proceedings, the Board makes the following:

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANIES

The Companies are engaged in the business of packing citrus fruits in California. They employ persons for handling, sorting, and packing the fruit during the packing seasons. During the year 1944, the

<sup>2</sup> The Trial Examiner reserved for the Board the question of whether or not McDermott Fruit Co. was properly served, since notice was sent to McDernsott Fruit Co. We find that the variation in name is not substantial, and that the proper party was duly notified.

following Companies packed and shipped in interstate commerce the following number of carloads of either Valencia or Naval oranges: American Fruit Growers, Inc. (Redlands), 235; L. V. Brown—Estate, 328; American Fruit Growers, Inc. (Riverside), 174; Andrews Bros. Co., 505; Break Allen Packing House, 81; Bryn Maur Fruit Growers Association, 299; Cherokee Citrus Co., Inc., 363; Crafton Orange Growers Association, 535; East Highlands Citrus Association, 152; Evans Bros. Packing Co., 364; Gavilan Citrus Association, 465; Gold Banner Association, 608; Gold Buckle Association, 1055; Highgroves Fruit Association, 108; Highland Fruit Growers Association, 119; Highland Mutual Groves, Inc., 114; Krinard Packing Co., 448; McDermott Fruit Co., 360; Mission Citrus Association, 172; Monte Vista Citrus Association, 282; National Orange Co., 147; Randolph Marketing Co., 89; Redlands Cooperative Fruit Association, 557; Redlands Orangedale Association, 427; Redlands Orange Growers Association, 428; Redlands Foothill Groves, 733; Redlands Heights Groves, 291; Redlands Mutual Orange Association, 283; Redlands Select Groves, 193; Rialto Citrus Association, 220; Rialto Heights Association, 71; Rialto Orange Co., 111; Riverside Citrus Association, 128; Riverside Growers, Inc., 505; Riverside Heights Orange Growers Association, 314; Sierra Vista Packing Association, 166; Signal Fruit Association, 223; Southern Citrus Association, 279; United Citrus Growers, 114; Victoria Avenue Citrus Association, 623; E. T. Wall, Grower Shipper, 329; Western Fruit Growers, Inc., 495.

We find that the above-named Companies are engaged in commerce within the meaning of the National Labor Relations Act.<sup>3</sup>

## II. THE ORGANIZATIONS INVOLVED

Citrus Workers Organizing Committee, Food, Tobacco, Agricultural and Allied Workers Union of America, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Companies.

Western Warehouse and Produce Council, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America; and Central Labor Council, are labor organizations affiliated with the American Federation of Labor, admitting to membership employees of the Companies.

## III. THE QUESTIONS CONCERNING REPRESENTATION

The Companies are unwilling to recognize the Citrus Workers as the collective bargaining representative of certain of their employees in the absence of certification by the Board.

<sup>3</sup> *Matter of Allen and Sandilands, et al*, 59 N. L. R. B. 724.

The Citrus Workers adduced testimony concerning the extent of its membership among the persons who work in the fruit packing industry in the area in which the Companies conduct packing operations. This testimony indicates that the Union represents a substantial number of those persons who are or who will be employed by the Companies.

We find that questions affecting commerce have arisen concerning the representation of employees of the Companies within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

#### IV. THE APPROPRIATE UNITS

Substantially in accordance with a stipulation of the parties made at the hearing, we find that all employees at the packing sheds of each of the Companies, excluding clerical employees, officials, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute units appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by 42 separate elections by secret ballot among the employees in the appropriate units who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.<sup>4</sup>

#### DIRECTION OF ELECTIONS

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with American Fruit Growers, Inc., Riverside, California; L. V. Brown—Estate, Highgrove, California; American Fruit Growers, Inc., Redlands and Highland, California; Andrews Bros. Co., Riverside, California; Break Allen Packing House, Bryn Maur, California; Bryn Maur Fruit Growers Association, Bryn Maur, California; Cherokee Citrus Co., Inc., Highland, California; Crafton Orange Growers Association, Mentone, California; East Highlands Citrus Association, East Highland,

<sup>4</sup> The record indicates that the Teamsters are entitled to a place on the ballots. We shall so provide.

California; Evans Bros. Packing Co., Riverside, California; Gavilan Citrus Association, Riverside, California; Gold Banner Association, Redlands, California; Gold Buckle Association, Highland and East Highland, California; Highgroves Fruit Association, Highgrove, California; Highland Fruit Growers Association, Highland, California; Highland Mutual Groves, Inc., Highland, California; Krinard Packing Co., Riverside, California; McDermott Fruit Co., Riverside, California; Mission Citrus Association, Bryn Maur, California; Monte Vista Citrus Association, Riverside, California; National Orange Co., Riverside, California; Randolph Marketing Co., Bryn Maur, California; Redlands Cooperative Fruit Association, Redlands, California; Redlands Orangedale Association, Redlands, California; Redlands Orange Growers Association, Redlands, California; Redlands Foothill Groves, Redlands, California; Redlands Heights Groves, Redlands, California; Redlands Mutual Orange Association, Redlands, California; Redlands Select Groves, Redlands, California; Rialto Citrus Association, Rialto, California; Rialto Heights Association, Rialto, California; Rialto Orange Co., Rialto, California; Riverside Citrus Association, Riverside, California; Riverside Growers, Inc., Riverside, California; Riverside Heights Orange Growers Association, Riverside, California; Sierra Vista Packing Association, Riverside, California; Signal Fruit Association, Highland, California; Southern Citrus Association, Redlands, California; United Citrus Growers, Colton, California; Victoria Avenue Citrus Association, Casa Blanca, California; E. T. Wall, Grower-Shipper, Riverside, California; and Western Fruit Growers, Inc., Redlands, California, 42 separate elections by secret ballot shall be conducted as early as possible, but not later than sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Twenty-first Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 10, of said Rules and Regulations, among the employees in the units found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause, to determine whether they desire to be represented by Citrus Workers Organizing Committee, Food, Tobacco, Agricultural and Allied Workers Union of America, affiliated with the Congress of Industrial Organizations, or by Western Warehouse and Produce Council, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, affiliated with the American

Federation of Labor, for the purposes of collective bargaining, or by neither.

### ORDER

IT IS HEREBY ORDERED that the petition filed by Citrus Workers Organizing Committee, FTA-CIO, for investigation and certification of representatives of the employees of East Highlands Orange Co., Case No. 21-R-2738; Elephant Orchards, Case No. 21-R-2739; Hillside Citrus Co., Inc., 21-R-2747; I. L. Lyons & Sons Packing House, Case No. 21-R-2749; Mutual Orange Distributors, Case No. 21-R-2753; Riverside-Arlington Heights Fruit Exchange, Case No. 21-R-2766; and Mutual Orange Distributors and/or Mutual Orange Association, Case No. 21-R-2780, be, and they hereby are, dismissed.

CHAIRMAN MILLIS took no part in the consideration of the above Decision, Direction of Elections, and Order.