

In the Matter of STRATHMORE PACKING HOUSE COMPANY and FOOD,
TOBACCO, AGRICULTURAL AND ALLIED WORKERS UNION OF AMERICA

Case No. 20-R-1229

SECOND SUPPLEMENTAL DECISION
AND
SECOND DIRECTION OF ELECTION

April 25, 1945

On January 4, 1945, pursuant to a Decision and Direction of Elections issued by the Board on December 5, 1944,¹ and an Order Amending Direction of Elections issued on January 4, 1945, an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Twentieth Region (San Francisco, California), among the employees of the Strathmore Packing House Company, Strathmore, California, herein called the Company.²

The Tally as revised in the Regional Director's Report on Challenged Ballots and Objections to Elections showed that of the approximately 63 eligible voters, 43 cast valid votes, of which 23 were for the Food, Tobacco, Agricultural and Allied Workers Union of America, herein called the Union, 20 against, and 4 were challenged. Since the results of the election were inconclusive, the Board, having considered the report of the Regional Director, issued its Supplemental Decision and Direction, Order, and Certification of Representatives,³ directing, *inter alia*, that the Regional Director open and count the challenged ballots.

Thereafter, the Regional Director submitted a Report on Challenged Ballots dated April 3, 1945, copies of which were duly served upon the parties, wherein he stated that the four challenged ballots were inadvertently destroyed while disposing of obsolete material in the Regional Office. He, therefore, recommended that a new election be conducted among the Company's employees in the appropriate unit

¹ 59 N L R B 724 This is a consolidated proceeding, the instant case being the only one still pending

² The appropriate unit consists of all employees at the Company's packing shed at Strathmore, California, 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.

³ 60 N L R B. 1007.

who were employed during the pay-roll period immediately preceding the date of the second election to be held not later than forty-five (45) days subsequent to April 15, 1945.⁴ The Union filed "Union's Comment on Report on Challenged Ballots" in which it requested that an immediate election be held solely among the four employees whose ballots were challenged. The Company filed a "Reply to Union's Comment on Report on Challenged Ballots," objecting only to the Union's request.

We have considered the Regional Director's report, the Union's comment, the Company's reply thereto, and the entire record in the case, and are of the opinion that the policies of the Act will be effectuated by conducting a second election among all the employees in the appropriate unit in accordance with the recommendations of the Regional Director.

We shall, therefore, direct that the question concerning representation be resolved by a second election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the second election to be held not later than forty-five (45) days subsequent to April 15, 1945, subject to the limitations and additions set forth in the Second Direction of Election herein.

SECOND DIRECTION OF ELECTION

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, of 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 Strathmore Packing House Company, Strathmore, California, a second election by secret ballot shall be conducted as early as possible, but not later than forty-five (45) days from April 15, 1945, under the direction and supervision of the Regional Director for the Twentieth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit heretofore found appropriate in Section IV of our Decision and Direction of Elections issued on December 5, 1944, who were employed during the pay-roll period immediately preceding the date of the second election, including employees who did not work during said pay-roll period because they were ill or on vaca-

⁴ As indicated in our Decision and Direction of Elections, *supra*, the Valencia packing season extends from the middle of April to the early part of June

tion 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 and have not been rehired or reinstated prior to the date of the second election, to determine whether or not they desire to be represented by Food, Tobacco, Agricultural and Allied Workers Union of America, for the purposes of collective bargaining.