

IN the Matter of JACOB SCHMIDT BREWING COMPANY, THEO. HAMM BREWING CO., YOERG BREWING COMPANY INC. and INTERNATIONAL UNION OF UNITED BREWERY, FLOUR, CEREAL, AND SOFT DRINK WORKERS OF AMERICA, LOCAL UNIONS NOS. 97, 214, AND 343

Case No. 18-R-955

SUPPLEMENTAL DECISION

AND

AMENDED CERTIFICATION OF REPRESENTATIVES

June 5, 1945

On January 2, 1945, an election by secret ballot was conducted under the direction of Board agents, among employees of Jacob Schmidt Brewing Company, Theo. Hamm Brewing Co., and Yoerg Brewing Company, Inc., herein called the Companies, in the unit found appropriate in a Decision and Direction of Election in the above matter, issued by the Board on July 21, 1944.¹ On January 10, 1945, in accordance with the Decision and Direction of Election and the desires of the voters as expressed in the said election, the Board certified International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, Local Unions Nos. 97, 214 and 343, herein called the Brewery Workers, as the exclusive bargaining representative of all production, maintenance, and distribution employees of the Companies, excluding firemen, engineers, machinists, electricians, millwrights, painters, carpenters, garage mechanics, steamfitters and plumbers, clerical employees, 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.

Thereafter, on May 19, 1945, the Brewery Workers, the Companies, and Local #993, International Brotherhood of Teamsters, Warehousemen & Helpers of America, A. F. of L.,² herein called the Teamsters, moved the Board to amend its Certification in accordance with an agreement signed

¹ 57 N. L. R. B. 548 The election was conducted pursuant to a Supplemental Decision and Second Direction of Election issued by the Board on December 16, 1944

² Intervenor herein.

March 22, 1945, by all parties hereto and by the representative of a Governor's Committee. The agreement provides that all truck drivers and helpers and all employees in the outside yard crew, loading or unloading railroad cars when merchandise or empties must be hauled in trucks, and all employees engaged in customary outside yard work should be excluded from the appropriate unit, but that employees employed inside the brewery building who may handle material or empties hauled by trucks to the buildings, or such employees as may be used to handle materials, empties or brewery products loaded directly from the buildings into railroad cars or unloaded directly into the buildings from railroad cars, should remain in the appropriate unit. Inasmuch as the Brewery Workers have ceded jurisdiction over the employees which the motion would exclude from the unit, and all parties are in agreement as to the cession, the motion is hereby granted.

AMENDED CERTIFICATION OF REPRESENTATIVES

IT IS HEREBY CERTIFIED that International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, Local Unions Nos. 97, 214 and 343, has been designated and selected by a majority of all production, maintenance, and distribution employees of Jacob Schmidt Brewing Company, Theo. Hamm Brewing Co., and Yoerg Brewing Company, Inc., all of St. Paul, Minnesota, excluding firemen, engineers, machinists, electricians, millwrights, painters, carpenters, garage mechanics, steamfitters, and plumbers, clerical employees 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, and excluding also all truck drivers and helpers, and all employees in the outside yard crew, loading or unloading railroad cars when merchandise or empties must be hauled in trucks, and all employees engaged in customary outside yard work, but not excluding any employees employed inside the brewery buildings who may handle material or empties hauled by trucks to the buildings, or such employees as may be used to handle materials, empties or brewery products loaded directly from the buildings into railroad cars or unloaded directly into the buildings from railroad cars, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, the said organization is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.