

In the Matter of THE MAY DEPARTMENT STORES COMPANY D/B/A FAMOUS-BARR COMPANY and ELEVATOR OPERATORS AND STARTERS, LOCAL 50-E, A F L.

In the Matter of THE MAY DEPARTMENT STORES COMPANY D/B/A FAMOUS-BARR COMPANY and LOCAL 372, UNITED RETAIL, WHOLESALE, AND DEPARTMENT STORE EMPLOYEES OF AMERICA, C. I. O.

Cases Nos. 14-R-779 and 14-R-794, respectively

SECOND SUPPLEMENTAL DECISION

DIRECTION

AND

ORDER

June 13, 1945

On January 1, 1944, the National Labor Relations Board issued a Decision and Direction of Elections in the above-entitled proceedings,¹ on March 31, 1945, a Supplemental Decision and Order Setting Aside Elections,² and on April 24, 1945, a Second Direction of Elections. Pursuant to the Second Direction of Elections, and in accordance with the Rules and Regulations of the Board, the Regional Director, on May 21 and 22, 1945, conducted separate elections among elevator operators and among general store employees in respective units previously found to be appropriate for such employees. Tallies of ballots were prepared and duly served on the parties. No objections to the tallies of the ballots or to the conduct of the elections have been filed by any of the parties.

As to the election among general store employees, the results are as follows:

Approximate number of eligible voters	2914
Valid votes counted	2447
Votes cast for Local 372, CIO	970
Votes cast against participating Union	1477

¹ 54 N. L. R. B. 230

² 61 N. L. R. B. 258

Challenged ballots	208
Void ballots	20

Since no bargaining representative has been selected by a majority of employees voting in this election, we shall dismiss the petition covering general store employees filed herein.

As to the election held among elevator operators, the results are as follows:

Approximate number of eligible voters	63
Valid votes counted	46
Votes cast for AFL	15
Votes cast for CIO	14
Votes cast against participating Unions	17
Challenged ballots	9
Void ballots	2

Since the number of challenged ballots was sufficient to affect the subsequent procedure, the Regional Director investigated the challenges, and on May 29, 1945, issued and duly served on the parties his Report on Challenges. The Regional Director finds that the nine challenged voters were eligible voters within the unit found appropriate for elevator operators by the Board and that the parties at a preelection conference so agreed, and recommended that the challenges be overruled. None of the parties has filed any exceptions to the Regional Director's findings and recommendations with respect to the challenges. The nine challenged voters were challenged by observers of Local 372, United Retail, Wholesale, and Department Store Employees of America, an organization affiliated with the Congress of Industrial Organizations and herein called the CIO. On May 28, 1945, the CIO, by letter addressed to the Regional Director asked leave to withdraw its challenges. On May 25, 1945, both the participating unions filed requests for a run-off election.

We shall adopt the findings of the Regional Director with respect to the validity of the challenged ballots and find that the challenged voters were eligible to vote and their ballots are hereby declared valid. We shall direct that their valid votes be opened and counted, since the results of the counting of the challenged ballots may determine the choice of representatives to appear on the ballot in the run-off election. The Regional Director recommends that, upon the counting of the challenged ballots, the run-off election be held straightway before any formal report be made to the Board upon the results of the election. The Company takes exception to this recommendation. We find no merit in the exceptions, and they are hereby overruled. We shall direct that the Regional Director, after counting the ballots and preparing a new tally, proceed directly with the run-off election, designating the choices upon the ballot in accordance with our present practice.

DIRECTION

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 The May Department Stores Company, d/b/a Famous-Barr Company, St. Louis, Missouri, the Regional Director for the Fourteenth Region shall, pursuant to the Rules and Regulations of the Board, set forth above, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, within ten (10) days from the date of this Direction, open and count the ballots of all challenged voters in the second election conducted among elevator operators on May 21 and 22, 1945, and prepare a tally of the ballots; that he directly proceed to conduct the run-off election and that he thereafter prepare and serve upon the parties a Supplemental Report embodying therein his findings and recommendations as to the results thereof.

ORDER

The National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of The May Department Stores Company, d/b/a Famous-Barr Company, St. Louis, Missouri, in Case No. 14-R-794 be, and it hereby is, severed from Case No. 14-R-779, and dismissed.