

In the Matter of MARSHALL, MEADOWS & STEWART, INC. and UNITED-SHOE WORKERS OF AMERICA, C. I. O.

Case No. 3-R-861

SUPPLEMENTAL DECISION

AND

ORDER

August 8, 1945

On January 17, 1945, the Board certified United Shoe Workers of America, C. I. O., herein called the Union, as the exclusive collective bargaining representative of the Company's employees in a designated bargaining unit.<sup>1</sup> The Company has filed with the Board a "petition," dated July 5, 1945, seeking rescission of the certification issued by the Board.

The Company states in its "petition" that it believes the certification is no longer effective because in June 1945 it received a petition signed by 164 employees out of a total of 233 in the bargaining unit reciting in substance that they no longer wished to be represented by the Union and desired a "new vote." The Company further asserts that a new labor organization has been formed by employees.<sup>2</sup>

We are of the opinion and find that the representations of the Company do not warrant rescinding or annulling the Union's designation as the exclusive bargaining representative. A certification is effective for a reasonable length of time, which, absent unusual circumstances, is customarily 1 year.<sup>3</sup> Here only 6 months have elapsed since the certification and a charge of refusal to bargain is pending before this Board. The allegation that a majority of the employees in the unit have indicated by means of an informal petition to the employer that they no longer desire to be represented by the Union is far from suffi-

<sup>1</sup> The election was held on November 17, 1944, pursuant to the Board's Decision and Direction of Election issued October 28, 1944 58 N. L. R. B. 1489. Of the approximately 251 eligible voters, 240 cast valid ballots, of which 121 were for the Union and 119 against.

<sup>2</sup> No claim is made that the Union has ceased to function. On the contrary, the Company avers that it and the Union have unsuccessfully negotiated with respect to a contract over a period of 6 months. The Union on May 10, 1945, filed charges which are now pending, alleging, *inter alia*, that the Company has unlawfully refused to bargain. Case No. 3-C-787.

<sup>3</sup> *Matter of Bohn Aluminum and Brass Corp.*, 57 N. L. R. B. 1684; *Matter of Aluminum Company of America, Newark Works*, 57 N. L. R. B. 913.

cient, in our opinion, to overcome the desires of the majority as expressed in the recent election by secret ballot. Accordingly, we find that the certification of January 17, 1945, is still operative, and we shall deny the Company's motion for rescission.<sup>4</sup>

### ORDER

IT IS HEREBY ORDERED that the "Petition for Rescission of Certification of Representatives," filed by Marshall, Meadows & Stewart, Inc., Auburn, New York, be, and it hereby is, denied.

<sup>4</sup> See *Matter of Botany Worsted Mills*, 41 N. L. R. B. 218, enf'd as mod. 133 F. (2d) 876 (C. C. A. 3), *Matter of Appalachian Electric Power Co*, 47 N. L. R. B. 821, enf'd, 140 F. (2d) 217 (C. C. A. 4); *Matter of The Century Oxford Manufacturing Corp.*, 47 N. L. R. B. 835, enf'd, 140 F. (2d) 541 (C. C. A. 2).