

In the Matter of ALASKA SALMON INDUSTRY, INC. *and* INTERNATIONAL FISHERMEN AND ALLIED WORKERS OF AMERICA, LOCAL 46, CIO

In the Matter of SUPERIOR PACKING Co.; LIBBY, MCNEILL & LIBBY; PYRAMID FISHERIES Co., INC.; BELLINGHAM CANNING Co.; ICY STRAITS SALMON Co.; ASTORIA & PUGET SOUND CANNING Co. (CONSOLIDATED WITH PACIFIC AMERICAN FISHERIES, INC.); DOUGLAS FISHERIES INC.; FARWEST ALASKA Co. (CONSOLIDATED WITH A. R. B. PACKING Co. AND BURNETT INLET SALMON Co.); FIDALGO ISLAND PACKING Co.; HAINES PACKING COMPANY; P. E. HARRIS & Co.; AUGUST BUSCHMANN, H. A. FLEAGER, AND A. P. WOLF, PARTNERSHIP, D/B/A HOOD BAY SALMON Co.; HYDABURG COOPERATIVE ASSOCIATION; THE NAKAT PACKING CORPORATION; NEW ENGLAND FISH Co.; PACIFIC AMERICAN FISHERIES, INC.; PERATROVICH & SON PACKING COMPANY; PERIL STRAIT PACKING COMPANY, ALSO KNOWN AS TODD PACKING COMPANY; SEBASTIAN-STUART FISH Co. *and* GRAND CAMP OF ALASKA NATIVE BROTHERHOOD

In the Matter of ALASKA SALMON INDUSTRY, INC., ITS MEMBER FIRMS AND INDEPENDENT OPERATORS *and* FOOD, TOBACCO, AGRICULTURAL AND ALLIED WORKERS UNION OF AMERICA, CIO

*Cases Nos. 19-R-1268; 19-R-1351 to 19-R-1355, inclusive; 19-R-1420 to 19-R-1436, inclusive; and 19-R-1398, respectively*

SUPPLEMENTAL DECISION, SECOND DIRECTION OF ELECTIONS, CERTIFICATIONS OF REPRESENTATIVES

AND  
ORDER

*October 18, 1945*

On May 28, 1945, the National Labor Relations Board issued its Decision, Direction of Elections, and Order in the above-entitled consolidated proceeding.<sup>1</sup> Pursuant to the Direction of Elections, seven elections by secret ballot were conducted between June 15 and August 5, 1945, under the direction and supervision of the Regional Director for the Nineteenth Region (Seattle, Washington). Upon the conclusion of the elections, Tallies of Ballots were furnished to

<sup>1</sup> 61 N. L. R. B. 1508

64 N. L. R. B., No 63.

the parties in accordance with the Rules and Regulations of the Board.

As to the balloting and its results, the Regional Director reported as follows:

ALASKA SALMON INDUSTRY<sup>2</sup>

*Member Firms—Southeastern District<sup>3</sup>*

Approximate number of eligible voters.....	1,286
Valid votes counted.....	1,037
Votes cast for FTA—CIO.....	357
Votes cast for Seafarers, AFL.....	301
Votes cast for ANB—ANS.....	364
Votes cast against participating labor organizations.....	15
Challenged ballots.....	52
Void ballots.....	9

ALASKA SALMON INDUSTRY

*Member Firms—Peninsula District*

Approximate number of eligible voters.....	101
Valid votes counted.....	85
Votes cast for FTA—CIO.....	78
Votes cast against participating labor organization.....	7
Challenged ballots.....	0
Void ballots.....	6

ALASKA SALMON INDUSTRY

*Member Firms—Bristol Bay District*

Approximate number of eligible voters.....	611
Valid votes counted.....	548
Votes cast for FTA—CIO.....	2
Votes cast for IFAWA—CIO.....	543
Votes cast against participating labor organizations.....	3
Challenged ballots.....	5
Void ballots.....	11

*Grindall Fisheries, Inc.<sup>4</sup>*

Approximate number of eligible voters.....	2
Valid votes counted.....	2
Votes cast for FTA—CIO.....	2
Votes cast for Seafarers, AFL.....	0
Votes cast for ANB—ANS.....	0
Votes cast against participating labor organizations.....	0
Challenged ballots.....	0
Void ballots.....	0

<sup>2</sup> Herein designated as ASI

<sup>3</sup> Herein designated as the Members

<sup>4</sup> This firm and all other independent operators are designated collectively herein as Independents.

*Hydaburg Cooperative Association*

Approximate number of eligible voters.....	43
Valid votes counted.....	23
Votes cast for FTA—CIO.....	3
Votes cast for Seafarers, AFL.....	2
Votes cast for ANB—ANS.....	15
Votes cast against participating labor organizations.....	3
Challenged ballots.....	0
Void ballots.....	0

*West Coast Packing Company<sup>5</sup>*

Approximate number of eligible voters.....	21
Valid votes counted.....	18
Votes cast for FTA—CIO.....	0
Votes cast for Seafarers, AFL.....	17
Votes cast for ANB—ANS.....	1
Votes cast against participating labor organizations.....	0
Challenged ballots.....	3
Void ballots.....	0

*Salt Sea Fisheries*

Approximate number of eligible voters.....	15
Valid votes counted.....	15
Votes cast for FTA—CIO.....	7
Votes cast for Seafarers, AFL.....	3
Votes cast for ANB—ANS.....	4
Votes cast against participating labor organizations.....	1
Challenged ballots.....	0
Void ballots.....	0

Following the indeterminative election at Salt Sea Fisheries, the Board agent in charge conducted a run-off election on the following day, in accordance with the provisions of Article III, Section 11 of the Rules and Regulations—Series 3, as amended. Thereafter, a Tally of Ballots was furnished to the parties which indicated the results of the election to be as follows:

SALT SEA FISHERIES  
*Run-off Election*

Approximate number of eligible voters.....	11
Valid votes counted.....	9
Votes cast for FTA—CIO.....	6
Votes cast for ANB—ANS.....	3
Challenged ballots.....	0
Void ballots.....	1

No objections to the conduct of the elections were filed with the Regional Director within the time provided by the Rules and Regulations of the National Labor Relations Board.

<sup>5</sup> Successor of Peratrovich & Son Packing Company.

*The Indeterminative Election Involving the Member Firms in the Southeastern District*

Since none of the choices on the ballot in the election held for resident cannery employees of ASI Members in the Southeastern District received a majority of the valid votes cast, the results of the election were inconclusive. On August 14, 1945, the Grand Camp of Alaska Native Brotherhood requested a run-off election to resolve the undetermined question of representation. Under the Rules and Regulations governing the conduct of run-off elections,<sup>6</sup> such elections are conducted when the results of the original election are inconclusive, if a timely request for such action is received in writing from any representative entitled to appear on the run-off ballot. The rules provide, however, that eligibility to vote in a run-off election is confined to employees eligible to vote in the original election who are employed in an eligible category on the date of the run-off election. The industry involved in the present proceeding is a seasonal one, and the 1945 season has been completed. We believe it would be inequitable and impractical to utilize eligibility lists prepared for use in the original election for a run-off which cannot be held until the next season. Under the formula which was employed to determine eligibility in the elections recently concluded, strict adherence to our customary procedure would establish 1944-1945 employment experience as the basis for eligibility to vote in a 1946 election. We do not regard this case, therefore, as one in which our regular procedure with respect to run-off elections applies.

We shall direct that a new election by secret ballot be conducted among the resident cannery employees of ASI Members in the Southeastern District who have worked a total of 15 or more days in the 1945 canning season, or who, prior to the date of the election at the cannery at which they are, or were last, employed, have worked a total of 15 or more days in the 1945 and 1946 canning seasons combined, or a total of 5 or more days in the 1946 canning season for one or more of the Companies listed in Appendix A of the Recommended Decision, or their successors and assigns, within the scope of one or more of the units found appropriate in our Decision, Direction of Elections, and Order (provided that if any of the said employees has been employed by more than one of such Companies, he shall vote as the employee of the Company by which he was last employed), subject to the limitations and additions set forth in the Direction. Since our Direction will call for a new election, based upon a redetermination of eligibility to vote, we shall permit all the labor organizations which appeared on the ballot in the original proceeding to participate in the second election.

<sup>6</sup> Article III, Section 11, Series 3, as amended.

*Elections Which Were Determinative*

The elections which were conducted in the Bristol Bay and Peninsula Districts, and at four of eight Independents<sup>4</sup> in the Southeastern District, showed conclusively that a labor organization had been selected by a majority of the employees in each of these bargaining units as their collective bargaining representative. We shall therefore certify the organizations chosen by the resident cannery workers in the aforesaid bargaining units.

*Elections Directed But Not Held*

Our Decision, Direction of Elections, and Order directed that an election be held among the resident cannery workers of the Alaska Native Consolidated Canning Company, an Independent operating in the Peninsula District. The Company did not operate during the 1945 season. We shall dismiss the petition of the FTA-CIO insofar as it relates to the resident cannery employees of this Independent.

Four of eight Independents<sup>7</sup> in the Southeastern District did not operate in the 1945 season. However, since we are directing a new election for resident cannery employees of ASI Members in this District, we shall not dismiss the petitions before us insofar as they affect the four Independents to whom reference has been made. We shall direct that if these Independents operate in 1946, the elections originally directed for their resident cannery employees in the 1945 season be held during the 1946 season, on the basis of the revised eligibility formula set forth above.

**CERTIFICATION OF REPRESENTATIVES**

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, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3, as amended,

**IT IS HEREBY CERTIFIED**

1. That International Fishermen and Allied Workers of America, Local 46, CIO, has been designated and selected by a majority of all resident cannery workers employed by all the member firms of Alaska Salmon Industry, Inc., in the Bristol Bay District in shore plants and floating canneries working at the canning, processing, and handling of fish from the time the fish are run on the conveyor to the fish bin, and the several operations until the finished product is canned, labeled, and packed in cartons or cases and delivered to the warehouses or ves-

<sup>7</sup>These Independents are Northern Packing Company, Craig Packing Company, Oscar Nicholson, and Juneau Packing Company.

sels (this includes the making of cans, boxes and cartons, operation and feeding of the following machines, but not the installation, upkeep or maintenance: iron chinks, gang knives, butchers or cutters, filling machine [feeders and helpers], clinchers, reformers, slitters, can body machines, pasting machines, casing machines, stitching machines, and all work that has been done customarily heretofore which does not conflict with any work heretofore performed by the Machinists' Union), including cannery worker foremen, second foremen, utility men, department heads (leadmen), cannery worker timekeepers, canner worker cooks, bakers, bull cooks and culinary help, but excluding machinists, carpenters, radio operators, office employees, doctors and nurses, winter watchmen, night watchmen, superintendents, assistant superintendents, cannery foremen, and company timekeepers and/or bookkeepers, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the National Labor Relations Act, International Fishermen and Allied Workers of America, Local 46, CIO, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

2. That Food, Tobacco, Agricultural and Allied Workers Union of America, CIO, has been designated and selected by a majority of all resident cannery workers employed by all the member firms of Alaska Salmon Industry, Inc., in the Peninsula District in shore plants and floating canneries working at the canning, processing, and handling of fish from the time the fish are run on the conveyor to the fish bin, and the several operations until the finished product is canned, labeled, and packed in cartons or cases and delivered to the warehouses or vessels (this includes the making of cans, boxes and cartons, operation and feeding of the following machines, but not the installation, upkeep or maintenance: iron chinks, gang knives, butchers or cutters, filling machine [feeders and helpers], clinchers, reformers, slitters, can body machines, pasting machines, casing machines, stitching machines, and all work that has been done customarily heretofore which does not conflict with any work heretofore performed by the Machinists' Union), including cannery worker foremen, second foremen, utility men, department heads (leadmen), cannery worker timekeepers, cannery worker cooks, bakers, bull cooks and culinary help, but excluding machinists, carpenters, radio operators, office employees, doctors and nurses, winter watchmen, night watchmen, superintendents, assistant superintendents, cannery foremen, and company timekeepers and/or bookkeepers, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the National Labor Relations Act, Food, Tobacco, Agricultural and Allied Workers Union of America, CIO, is the exclusive representative of all such employees.

for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

3. That Food, Tobacco, Agricultural and Allied Workers Union of America, CIO, has been designated and selected by a majority of all resident cannery workers employed by Grindall Fisheries, Inc., in shore plants and floating canneries working at the canning, processing, and handling of fish from the time the fish are run on the conveyor to the fish bin; and the several operations until the finished product is canned, labeled, and packed in cartons or cases and delivered to the warehouses or vessels (this includes the making of cans, boxes and cartons, operation and feeding of the following machines, but not the installation, upkeep or maintenance: iron chinks, gang knives, butchers or cutters, filling machines [feeders and helpers], clinchers, reformers, slitters, can body machines, pasting machines, casing machines, stitching machines, and all work that has been done customarily heretofore which does not conflict with any work heretofore performed by the Machinists' Union), including cannery worker foremen, second foremen, utility men, department heads (leadmen), cannery worker timekeepers, cannery worker cooks, bakers, bull cooks and culinary help, but excluding machinists, carpenters, radio operators, office employees, doctors and nurses, winter watchmen, night watchmen, superintendents, assistant superintendents, cannery foremen, and company timekeepers and/or bookkeepers, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the National Labor Relations Act, Food, Tobacco, Agricultural and Allied Workers Union of America, CIO, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

4. That Food, Tobacco, Agricultural and Allied Workers Union of America, CIO, has been designated and selected by a majority of all resident cannery workers employed by Salt Sea Fisheries in shore plants and floating canneries working at the canning, processing, and handling of fish from the time the fish are run on the conveyor to the fish bin, and the several operations until the finished product is canned, labeled, and packed in cartons or cases and delivered to the warehouses or vessels (this includes the making of cans, boxes and cartons, operation and feeding of the following machines, but not the installation, upkeep or maintenance: iron chinks, gang knives, butchers or cutters, filling machine [feeders and helpers], clinchers, reformers, slitters, can body machines, pasting machines, casing machines, stitching machines, and all work that has been done customarily heretofore which does not conflict with any work heretofore performed by the Machinists' Union), including cannery worker foremen, second foremen, utility men, department heads (leadmen), cannery worker time-

keepers, cannery worker cooks, bakers, bull cooks and culinary help, but excluding machinists, carpenters, radio operators, office employees, doctors and nurses, winter watchmen, night watchmen, superintendents, assistant superintendents, cannery foremen, and company timekeepers and/or bookkeepers, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the National Labor Relations Act, Food, Tobacco, Agricultural and Allied Workers Union of America, CIO, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

5. That Grand Camp of Alaska Native Brotherhood has been designated and selected by a majority of all resident cannery workers employed by Hydaburg Cooperative Association in shore plants and floating canneries working at the canning, processing, and handling of fish from the time the fish are run on the conveyor to the fish bin, and the several operations until the finished product is canned, labeled, and packed in cartons or cases and delivered to the warehouses or vessels (this includes the making of cans, boxes and cartons, operation and feeding of the following machines, but not the installation, upkeep or maintenance: iron chinks, gang knives, butchers or cutters, filling machine [feeders and helpers], clinchers, reformers, slitters, can body machines, pasting machines, casing machines, stitching machines, and all work that has been done customarily heretofore which does not conflict with any work heretofore performed by the Machinists' Union), including cannery worker foremen, second foremen, utility men, department heads (leadmen), cannery worker timekeepers, cannery worker cooks, bakers, bull cooks, and culinary help; but excluding machinists, carpenters, radio operators, office employees, doctors and nurses, winter watchmen, night watchmen, superintendents, assistant superintendents, cannery foremen and company timekeepers and/or bookkeepers, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the National Labor Relations Act, Grand Camp of Alaska Brotherhood is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

6. That Alaska Salmon Purse Seiners Union, affiliated with the Seafarers International Union of North America, AFL, has been designated and selected by a majority of all resident cannery workers employed by the West Coast Packing Company in shore plants and floating canneries working at the canning, processing, and handling of fish from the time the fish are run on the conveyor to the fish bin, and the several operations until the finished product is canned, labeled, and packed in cartons or cases and delivered to the warehouses or

vessels (this includes the making of cans, boxes and cartons, operation and feeding of the following machines, but not the installation, upkeep or maintenance: iron chinks, gang knives, butchers or cutters, filling machine [feeders and helpers], clinchers, reformers, slitters, can body machines, pasting machines, casing machines, stitching machines, and all work that has been done customarily heretofore which does not conflict with any work heretofore performed by the Machinists' Union), including cannery worker foremen, second foremen, utility men, department heads (leadmen), cannery worker timekeepers, cannery worker cooks, bakers, bull cooks and culinary help, but excluding machinists, carpenters, radio operators, office employees, doctors and nurses, winter watchmen, night watchmen, superintendents, assistant superintendents, cannery foremen, and company timekeepers and/or bookkeepers, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the National Labor Relations Act, Alaska Salmon Purse Seiners Union, affiliated with the Seafarers International Union of North America, AFL, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

## SECOND 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, 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 Companies in the Southeastern District, or their successors and assigns, separate elections by secret ballot shall be conducted as early as possible, not later than September 1, 1946, under the direction and supervision of the Regional Director for the Nineteenth 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 of all the Members in the Southeastern District; Northern Packing Company; Craig Packing Company; Oscar Nicholson; and Juneau Packing Company; or their successors and assigns, within the scope of the units found appropriate in Section IV, C, subdivisions (e) and (h), of the Recommended Decision and Recommended Direction of Elections previously issued in this proceeding, who have worked a total of 15 or more days in the 1945 canning season, or who, prior to the date of the election at the cannery at which they are, or were last, employed, have worked a total of 15 or more days in the 1945 and 1946 canning seasons combined or a total of 5 or more

days in the 1946 canning season for one or more of the Companies listed in Appendix A of the Recommended Decision and Recommended Direction of Elections, or their successors and assigns, within the scope of one or more of the units found appropriate in our Decision, Direction of Elections, and Order (provided that if any of the said employees has been employed by more than one of such Companies, he shall vote as the employee of the Company by which he was last employed), including employees who did not work during the 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 and have not been rehired or reinstated prior to the date of the elections, to determine whether the employees of all the Members in the Southeastern District; Northern Packing Company; Craig Packing Company; Oscar Nicholson; Juneau Packing Company; or their successors and assigns, within the scope of the units found appropriate in subdivisions (e) and (h) of Section IV, C, desire to be represented by the FTA-CIO, by the ANB-ANS, by the Seafarers, AFL, for the purposes of collective bargaining, or by none of the said organizations.

#### ORDER

IT IS HEREBY ORDERED that the petition for investigation and certification of representatives filed herein by the Food, Tobacco, Agricultural and Allied Workers Union of America, CIO, insofar as it relates to resident cannery workers employed by the Alaska Native Consolidated Canning Company, be, and it hereby is, dismissed.