

In the Matter of CHICAGO MILL & LUMBER COMPANY *and* INTERNATIONAL WOODWORKERS OF AMERICA

Case No. 15-R-1307

SUPPLEMENTAL DECISION
AND
CERTIFICATION OF REPRESENTATIVES

October 18, 1945

On June 16, 1945, pursuant to a Decision and Direction of Election issued by the Board on May 23, 1945,¹ an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Fifteenth Region (New Orleans, Louisiana). Upon the conclusion of the election, a Tally of Ballots was furnished the parties in accordance with the Board's Rules and Regulations.

The Tally indicates that of approximately 404 eligible voters, 270 cast valid ballots; of which 154 were cast for United Brotherhood of Carpenters and Joiners of America, Local 3069, AFL, herein called the AFL; 108 were cast for International Woodworkers of America, C. I. O., herein called the C. I. O.; 3 were cast for neither organization, and 3 were challenged ballots.

On June 20, 1945, the C. I. O. filed objections to the conduct of the election, alleging improper voting arrangements and unfair electioneering on the part of the AFL in circulating on the day before the election a handbill which discussed a wage increase and the payment of retroactive pay under the terms of a recent directive of the National War Labor Board. In his Report on Objections, the Regional Director found that the objections regarding voting arrangements raised no substantial issues, but found that the circulation of the handbill the day before the election created an atmosphere of misrepresentation and undue influence such as to prevent a free choice in the election. As a result thereof, the Regional Director recommended that the results of the election be set aside. On September 4, 1945, the AFL filed exceptions to the Regional Director's Report on Objections.

¹ 61 N L R B 1403

64 N L R B, No 64.

The C. I. O. alleges that the AFL obtained an unfair advantage on the eve of the election by passing out handbills attributing to the AFL credit for securing a wage increase and retroactive pay for employees of the Company under the recent War Labor Board directive, which was issued prior to the Board's issuance of the Decision and Direction of Election in the instant proceeding. While we have, on occasion, set aside election results where the announcement of a wage increase by a competing union on the eve of an election may be presumed to have unduly influenced the choice of bargaining representatives,² such cases are distinguishable on their facts from this one. One of the distinguishing features is the fact that the employees in the present case were probably aware of the War Labor Board directive throughout most of the campaign immediately before the election, as indicated by the fact that it had been commented upon in a local newspaper more than 2 weeks before the balloting. The incidental announcement of the wage increase in the handbill of the AFL did not, in our opinion, constitute news of such novel character as may be presumed to have influenced the choice of a bargaining representative. Nor are we persuaded by the further contention of the C. I. O. that the handbill in question was so misleading as to unduly influence or prevent the employees from freely exercising their right to select a bargaining representative.³ Under all the circumstances, we find that the circulation of the handbill aforesaid did not result in such coercion of the will or misapprehension on the part of the employees as to warrant setting aside the election results. Accordingly, we overrule the C. I. O.'s objections as raising no substantial or material issues with respect to the conduct of the election.

Since the results of the election show that the employees in the unit heretofore found appropriate have selected the AFL as their bargaining representative, we shall certify the AFL in accordance with the Tally of Ballots hereinabove referred to.

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 10 and 11, of National Labor Relations Board Rules and Regulations—Series 3, as amended,

IT IS HEREBY CERTIFIED that United Brotherhood of Carpenters and Joiners of America, Local 3069, A. F. L., has been designated and selected by a majority of all production and maintenance employees at the Tallulah plant of Chicago Mill & Lumber Company, Tallulah,

² See *Matter of Continental Oil Company*, 58 N. L. R. B. 169; *Matter of Seneca Knitting Mills*, 59 N. L. R. B. 754.

³ Cf. *Matter of Phelps Dodge Corporation*, 62 N. L. R. B. 1287; *Matter of Maywood Hosiery Mills, Inc.*, 64 N. L. R. B. 146.

Louisiana, excluding watchmen, office, clerical, logging, wood, and railroad 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 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.