In the opinion of the undersigned Respondent's conduct discloses a fixed purpose to defeat self-organization and its objectives. Because of Respondent's unlawful conduct and its underlying purpose, the undersigned is convinced that the unfair labor practices found are persuasively related to the other unfair labor practices proscribed by the Act and that the danger of their commission in the future is to be anticipated from the course of Respondent's conduct in the past. The preventive purposes of the Act will be thwarted unless the recommendations are coextensive with the threat. In order, therefore, to make effective the interdependent guarantees of Section 7, to prevent a recurrence of unfair labor practices, and to minimize strife which burdens and obstructs commerce, and thus to effectuate the policies of the Act, it will be recommended that Respondent cease and desist from infringing in any manner upon the rights guaranteed by Section 7 of the Act.[44]

Upon the basis of the foregoing findings of fact, and upon the entire record in the case, the undersigned makes the following:

CONCLUSIONS OF LAW

(1) Local 65, Wholesale and Warehouse Workers' Union is a labor organization within the meaning of Section 2 (5) of the Act.

(2) By discriminating in regard to the hire and tenure of employment of Gloria Merle, Marie Jensen, Franya Manfire, Nadine Sauvajot, James Martin, Michael Peters, Robert McCaffrey, and Thomas Thompson, the Respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (a) (3) of the Act.

(3) By interfering with, restraining, and coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act, the Respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (a) (1) of the Act.

(4) The aforesaid unfair labor practices are unfair labor practices affecting commerce within the meaning of Section 2 (6) and (7) of the Act.

[Recommended Order omitted from publication in this volume.]

[44] See *May Department Stores* v. *N. L. R. B.*, 326 U. S. 376.

KINGSLEY STAMPING MACHINE CO. *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, LOCAL LODGE NO. 1185, PETITIONER. *Case No. 21–UA–3300. April 9, 1951*

Decision and Order

Upon a petition duly filed pursuant to Section 9 (e) of the National Labor Relations Act, as amended, a union-security election was conducted by the Regional Director for the Twenty-first Region, in accordance with the provisions of Section 102.67 of the Board's Rules and Regulations, at the Employer's plant at Hollywood, California, on December 1, 1950. At the close of the election, the parties were fur-

nished a tally of ballots which shows that a majority of the eligible employees voted against the proposition placed before them.[1]

On December 5, 1950, the Petitioner filed objections to conduct affecting the results of the election, alleging illegal conduct, and asked that the election be set aside.

On January 22, 1950, following an investigation, the Regional Director issued a report on objections, in which he recommended that the objections be sustained and the election be set aside. Thereafter, the Employer filed timely exceptions to the Regional Director's report.[2]

We have considered the Petitioner's objections, the Regional Director's report thereon, and the Employer's exceptions to the Report.[3]

In its objections, the Petitioner alleges that the Employer coerced and intimidated its employees shortly before the election by means of speeches and a letter, dated November 29, 1950, addressed to the employees. The Regional Director found in his report on objections that the letter of November 29, 1950, sufficiently interfered with the rights of the employees to the extent that a free choice was not possible.

We have carefully examined the content of the afore-mentioned letter. The Employer, in addition to stating that under the proposed union-shop contract ". . . we would be much better off to replace the men now running mills, lathes, shapers, punch pressers, etc. with highly skilled journeymen machinists . . .," set forth a comparison between the rate of pay currently earned by an average employee and the rate he would earn under the proposed union-shop contract. According to the Employer, the latter rate would be "$21.25 less money than he is now earning." The Employer arrived at this arithmetical

[1] "Do you wish to authorize the union which is your present collective bargaining representative to enter into an agreement with your employer which requires membership in such union as a condition of continued employment?"

[2] Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, as amended, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Murdock and Styles].

[3] In its exceptions the Employer incorporates its objections to the validity of the Regional Director's direction of the election. These objections were originally made on November 22, 1950, to the Board agent conducting the investigation of the case. The Employer alleges that there is a question concerning the appropriate unit in that foil packers and the janitor are erroneously included. The petition for a union-security election in this case was filed on October 20, 1950, 3 days after a Board-conducted representation election in which a majority of the employees voted for the Petitioner. The representation election was based upon a consent agreement of the parties, which set forth the appropriate unit as a production and maintenance unit, specifically including the foil packers. On October 25, 1950, the Petitioner was certified as the collective bargaining representative of the employees in this unit.

We find no merit in the Employer's objection to the Regional Director's direction of the election in the instant case. Absent extraordinary circumstances (see *Giant Food Shopping Center, Inc.*, 77 NLRB 791), not here present, the unit appropriate under Section 9 (a) of the Act is also appropriate for a union-security election under Section 9 (e) (1). *Furniture Firms of Duluth*, 81 NLRB 1318. Even assuming the truth of the Employer's allegations with regard to the duties and functions of its employees, we find that the unit established as appropriate in accordance with the agreement of the parties in the representative proceedings is appropriate for purposes of the union-security election herein.

result by omitting to include the current payment for overtime and bonuses, which, it asserted, it could not continue to pay in the event the union-shop contract went into effect.

Without considering the effect of other statements contained in the letter, we find, in agreement with the Regional Director, that the above statements, which convey a thinly veiled threat of replacement and a clear threat, in any event, of pecuniary loss, constituted improper interference with the employees' free designation as to whether a majority desired their representative to enter into a union-security agreement. We shall, therefore, set the election aside.

Order

IT IS HEREBY ORDERED that the election held on December 1, 1950, among the employees of Kingsley Stamping Machine Company, Hollywood, California, be, and it hereby is, vacated and set aside, and that this proceeding be remanded to the Regional Director for further proceedings in accordance with the Board's Rules and Regulations.

McDONNELL AIRCRAFT CORPORATION *and* HOMER RICHARDS, JR., PETITIONER *and* DISTRICT NO. 9, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL. *Case No. 14–RD–41. April 9, 1951*

Decision and Order

Upon a decertification petition duly filed, a hearing was held before Milton O. Talent, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.

2. The Petitioner, an employee of the Employer, asserts that the Union is no longer the representative, as defined in Section 9 (a) of the Act, of the employees designated in the petition.

The Union, a labor organization, is the currently recognized representative of these employees.

3. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act for the following reasons:

The Petitioner seeks a decertification election in a unit consisting of all inspectors employed at the Employer's St. Louis, Missouri, plant, excluding safety and engineering inspectors and all super-