

It has been found that the Respondents have refused to bargain collectively with the Union, thereby interfering with, restraining, and coercing their employees. It will therefore be recommended that the Respondents cease and desist therefrom, and that they bargain collectively with the Union with respect to wages, hours, and other terms and conditions of employment, and embody any understanding reached in a signed contract.

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

CONCLUSIONS OF LAW

1. Citrus, Cannery Workers and Food Processors Union 24473, AFL, is a labor organization within the meaning of Section 2 (5) of the Act.

2. All production and maintenance employees of the Respondents' Donna, Texas, plant, excluding office and clerical employees, professional employees, guards, watchmen, and all supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

3. Citrus, Cannery Workers and Food Processors Union 24473, AFL, was, on August 9, 1949, and at all times since has been, the exclusive representative within the meaning of Section 9 (a) of the Act of all employees in the aforesaid unit for the purposes of collective bargaining.

4. By refusing to bargain collectively with Citrus, Cannery Workers and Food Processors Union 24473, AFL, as the exclusive bargaining representative of the employees in the appropriate unit, the Respondents have engaged in and are engaging in unfair labor practices within the meaning of Section 8 (a) (5) of the Act.

5. By said acts the Respondents have interfered with, restrained, and coerced their employees in the exercise of rights guaranteed in Section 7 of the Act, thereby engaging in unfair labor practices within the meaning of Section 8 (a) (1) of the Act.

6. 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.]

HAMMOND BAG & PAPER COMPANY¹ and FRANCIS RENO HARTZELL,
 PETITIONER and EMPLOYEES' SECURITY LEAGUE. *Case No. 6-RD-55.*
 May 29, 1951

Decision and Order

Upon a petition for decertification duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Emil E. Narick, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Murdock, and Styles].

¹ The name of the Employer appears as amended at the hearing.

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, which was certified in 1943 and is currently recognized by the Employer as the bargaining representative of the employees designated in the petition, is no longer the representative as defined in Section 9 (a) of the Act.

3. The Employer and the Union each moved to dismiss the petition herein on the ground that the Petitioner is acting as a "front" for District 50, United Mine Workers of America, a labor organization not in compliance with the filing requirements of the Act.

The Petitioner testified at the hearing that he discussed the filing of a petition for decertification of the Union with a representative of District 50 in December 1950,² and that he requested the representative to prepare such a petition for him. The petition and the envelope for mailing it to the Board were prepared in the regional office of District 50 in December 1950. Sometime in January 1951, a representative of District 50 brought the petition to the Petitioner for signature. The petition was signed by the Petitioner in the presence of the representative and returned to the representative for mailing.³ The Petitioner, both before and after the filing of the petition, solicited employees of the Employer to join District 50.⁴ Signed application cards were returned to the Petitioner, who turned them over to District 50 representatives. The Petitioner, although not a member of the organizing committee of District 50, attended its meetings and made suggestions about the campaign literature which were adopted.

Under all the circumstances, we find that the Petitioner is acting on behalf of District 50. Accordingly, we shall grant the motions to dismiss the petition.⁵

Order

IT IS HEREBY ORDERED that the petition herein be, and it hereby is dismissed.

² District 50, which was the losing union in the 1943 election, commenced an organizing campaign at the Employer's plant in November or December 1950. It requested recognition of the Employer orally in December 1950 and January 1951, and by letter dated December 26, 1950.

³ The Petitioner stated that he did not mail the petition himself but that he paid the registry fee for the letter by buying the District 50 representative "a couple beers."

⁴ The Petitioner applied for membership in District 50 in 1945 but has never paid dues to that organization. This application has never been withdrawn by the Petitioner.

⁵ *Knife River Coal Mining Company*, 91 NLRB 176.