

IN the Matter of PUERTO RICO STEAMSHIP ASSOCIATION, IN BEHALF OF ITS MEMBERS, BULL INSULAR LINES, INC., AND LYKES LINES AGENCY,<sup>1</sup> EMPLOYER AND PETITIONER *and* LOCAL 1743, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, DISTRICT COUNCIL No. 2 *and* LOCAL 1744, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, DISTRICT COUNCIL No. 2, UNIONS

*Case No. 24-RM-1.—Decided August 14, 1950*

### DECISION AND DIRECTION OF ELECTION

Upon an amended petition duly filed on April 12, 1950,<sup>2</sup> under Section 9 (c) of the National Labor Relations Act, a hearing was held before George L. Weasler, 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 labor organizations involved claim to represent certain employees of the Employer.
3. A 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.
4. The appropriate unit:

We find, substantially in accord with the agreement of the parties at the hearing, that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All longshoremen of the Employer working aboard boats docking at the port of Jobos, Aguirre, Puerto Rico, including stevedores, winchmen, coopers, gangwaymen, and waterboys, but excluding office and clerical employees, professional, executive, and administrative employees, guards, watchmen, and supervisors as defined in the Act.

<sup>1</sup> The Employer's name appears as amended at the hearing.

<sup>2</sup> The Employer's original petition was filed on March 22, 1950.

## 5. Determination of representatives:

Local 1744<sup>3</sup> asserts, in substance, that eligibility to vote in the election herein should be determined by employment during any payroll period within a "reasonable" time before and including November 29, 1949. Local 1743<sup>4</sup> contends that a current payroll eligibility date should be established. The Employer takes no position on this issue.

For a number of years prior to January 1950, Local 1743 and Local 1744, pursuant to agreement between the Employer and the Unions' parent organization, District Council No. 2, each supplied half the crew needed to work aboard ships docking at the port of Jobos. However, in October 1949, at a convention of District Council No. 2, a resolution was adopted in which Local 1743 was awarded all the work at that port, such award to become effective January 1, 1950. The last occasion on which work was shared by Local 1743 and Local 1744 occurred on November 29, 1949. Since January 1, 1950, the Employer has in effect recognized the award of District Council No. 2 and has secured all its crews necessary for work at Jobos from Local 1743.<sup>5</sup>

In view of the nature of the award to Local 1743 and the operation thereunder, it is clear that a determination of eligibility based on employment lists after November 29, 1949, would have the effect of limiting the right to vote to employees supplied by Local 1743 alone. Under these circumstances, we believe that eligibility to vote should be based on a representative period ending November 29, 1949, when, as already noted, the furnishing of workers was not so limited. As the record indicates that the use of payrolls during the 6 months ending November 29, 1949, would be representative of the Employer's personnel complement, we shall direct that employees employed during any payroll period within those 6 months shall be eligible to participate in the election, subject to the limitations and additions set forth in the Direction of Election.<sup>6</sup>

DIRECTION OF ELECTION<sup>7</sup>

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by

<sup>3</sup> Local 1744, International Longshoremen's Association, District Council No. 2.

<sup>4</sup> Local 1743, International Longshoremen's Association, District Council No. 2.

<sup>5</sup> It appears that no boats of the Employer docked at Jobos between November 29, 1949, and March 5, 1950. On the latter date, all work was assigned by the Employer to crews furnished by Local 1743.

<sup>6</sup> Cf. *Bull Insular Lines, Inc.*, 71 NLRB 38.

<sup>7</sup> Any participant in the election directed herein may, upon its prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot.

secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during any payroll period in the 6 months ending November 29, 1949, including employees who did not work during said payroll period because they were ill or on vacation or temporarily laid off, 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 election, and also excluding employees on strike who are not entitled to reinstatement, to determine whether they desire to be represented, for purposes of collective bargaining, by Local 1743, International Longshoremen's Association, District Council No. 2, or by Local 1744, International Longshoremen's Association, District Council No. 2,<sup>8</sup> or by neither.

<sup>8</sup>The compliance status of International Longshoremen's Association, District Council No. 2, the parent organization of both Local 1743 and Local 1744, has lapsed since the hearing in this matter. In the event it fails to renew its compliance with the filing requirements of the Act within 2 weeks from the date of this Direction, the Regional Director is to advise the Board to that effect. No election shall be conducted unless and until compliance has been renewed.