

In the Matter of ALTOONA BREWING COMPANY, DUQUESNE BREWING COMPANY, FORT-PITT BREWING COMPANY, ELIZABETH GOENNER, LAURA G. SYMONS AND WILLIAM F. GOENNER, PARTNERS, D/B/A GOENNER & COMPANY, HOMESTEAD BREWING COMPANY, JONES BREWING COMPANY, LATROBE BREWING COMPANY, MOOSE BREWING COMPANY, PITTSBURGH BREWING COMPANY, JOSEPH A. STRAUB AND CARL J. STRAUB, PARTNERS, D/B/A STRAUB BREWERY, TUBE CITY BREWING COMPANY, AND UNION BREWING COMPANY, MEMBERS OF WESTERN PENNSYLVANIA BREWERS ASSOCIATION, PITTSBURGH DISTRICT AND VICINITY, PETITIONER-EMPLOYERS *and* INTERNATIONAL UNION OF UNITED BREWERY, FLOUR, CEREAL AND SOFT DRINK WORKERS OF AMERICA, C. I. O., AND ITS JOINT LOCAL EXECUTIVE BOARD, PITTSBURGH AND VICINITY REPRESENTING LOCALS No. 22, No. 67, AND No. 144 *and* BEER BOTTLERS LOCAL No. 232, JOINT COUNCIL OF TEAMSTERS No. 40, A. F. L.

*Case No. 6-RE-21.—Decided March 21, 1947*

## DECISION

AND

### CERTIFICATION OF REPRESENTATIVES

Following the filing of a petition alleging that a question affecting commerce has arisen concerning representation of employees of the Employers, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, the above-named parties were served with a Notice of Hearing, which provided that a hearing be conducted on February 3, 1947. On February 3, 1947, only the Employers and the International Union of United Brewery, Flour, Cereal and Soft Drink Workers of America, C. I. O., herein called the Brewery Workers, appeared at the hearing. And on that date, the Employers, the Brewery Workers, and a representative of the Board executed a "STIPULATION FOR CERTIFICATION UPON CONSENT ELECTION."

On February 13, 1947, an election was conducted in the above matter in accordance with the Stipulation and the Rules and Regulations of the Board. 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 shows that, of the 2122 eligible voters, 2000 cast ballots, of which 1734 were for the Brewery Workers, 259 were

against it, and 7 were challenged. It appears, therefore, that a collective bargaining representative has been selected.

On February 18, 1947, Beer Bottlers Local No. 232, Joint Council of Teamsters No. 40, A. F. L., herein called the Teamsters, and Cyril F. Reick, "individually and on behalf of fellow employees," submitted "Objections to the Conduct of the Election and to the Conduct Affecting the Results of the Election."

It is clear that the Teamsters has no status as an objecting party. As indicated above, it was served with notice of the hearing in this case, yet did not appear at the hearing. Furthermore, the Teamsters advised the Board by letter, on January 13, 1947, that it had no interest "in the petition," and that under no circumstances did it desire to appear on the ballot.<sup>1</sup>

In any event, an examination of the Objections reveals that they lack substance, and that they raise no material or substantial issues requiring further investigation. The Objections are substantially as follows: (1) the secrecy of the ballot was violated in that employees were required to place their names on the envelopes containing their ballots, were not informed of the reason for this procedure, and believed that there would be reprisals by the Employers unless they voted for the Brewery Workers; (2) the holding of the election was improper because of a "lockout"; (3) "strikebreakers" were permitted to vote; and (4) the unit in which the election was held is inappropriate.

With respect to the first Objection, the records of the Board's Regional Office reveals that less than 250 employees voted in the manner upon which this Objection is based. Thus, even if the allegations in the first Objections were true, the results of the election could not be affected, since the Brewery Workers' plurality was more than 1,400. Furthermore, the procedure followed in the casting of these ballots was that usually used for challenged ballots. Provisions were made to allow certain employees who were on strike to vote at the Board's Regional Office, and the ballots of these employees were temporarily challenged, and placed in an envelope, which was in turn placed in another envelope on which the voters signed their names. After it had been ascertained that these employees had not voted at any of the other polling places, the inner envelopes were removed from the outer envelopes, the latter were destroyed, and after shuffling the inner envelopes, they were opened and the ballots they contained were counted. Thus, the secrecy of the ballot was retained inviolate.

With respect to the second Objection, there has been no unfair labor practice charge filed with the Board, and the purported "lockout" appears to be no more than a mere assertion.

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<sup>1</sup> The individual objectant, Cyril F. Reick, appears to be identified with the Teamsters, inasmuch as the identical objections were submitted jointly by the Teamsters and Cyril F. Reick, and were signed by one attorney for both.

As to the third Objection, replacements of economic strikers were, in accordance with our usual policy, permitted to vote.

And concerning the fourth Objection, the only union appearing at the hearing—the Brewery Workers—and the Employers themselves, agreed to the appropriateness of the unit in which the election was conducted, and we are satisfied, and hereinafter find, that this unit is in fact appropriate.

On the basis of the Stipulation, the Tally of Ballots, and the entire record in the case, the Board makes the following additional Findings of Fact:

1. A question affecting commerce has arisen concerning the representation of employees of the Employers, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

2. All production, maintenance, and delivery employees of the members of the Western Pennsylvania Brewers Association, Pittsburgh District and Vicinity,<sup>2</sup> excluding watchmen, coopers in repair shops, employees of the Altoona Brewing Company Delivery Department, employees of Goenner & Company Delivery Department, auto mechanics and helpers of the Duquesne Brewing Company, auto mechanics of the Sharpsburg plant of the Fort Pitt Brewing Company, machinists, auto mechanics and helpers of the Iron City plant of the Pittsburgh Brewing Company, 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, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

Since it appears from the Tally of Ballots that these employees have selected the Brewery Workers as their bargaining representative, we shall certify the Brewery Workers in this unit.

#### CERTIFICATION OF REPRESENTATIVES

IT IS HEREBY CERTIFIED that International Union of United Brewery, Flour, Cereal and Soft Drink Workers of America, C. I. O., and its Joint Local Executive Board, Pittsburgh and Vicinity, Representing Locals No. 22, No. 67, and No. 144, has been designated and selected by a majority of the employees of the above-named Employers, in the unit hereinabove found by the Board to be appropriate, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act the said organization is the exclusive bargaining representative of all the employees in such unit for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

<sup>2</sup> These members are the Employers listed in the title of the case.