

In the Matter of RIGGS OPTICAL COMPANY, CONSOLIDATED, EMPLOYER  
and RICHARD F. DAUM, PETITIONER and UNITED OFFICE AND PRO-  
FESSIONAL WORKERS OF AMERICA, LOCAL 23, C. I. O., FORMERLY  
KNOWN AS LOCAL 14, C. I. O., UNION

In the Matter of RIGGS OPTICAL COMPANY, CONSOLIDATED, EMPLOYER  
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*Cases Nos. 30-RD-1 and 30-RD-2, respectively.—Decided  
April 22, 1948*

*Pershing, Bosworth, Dick & Dawson, by Mr. Michael Reidy, of  
Denver, Colo., for the Employer.*

*Silverstein & Silverstein, by Mr. Harry S. Silverstein, Jr., of Den-  
ver, Colo., for the Petitioner.*

## DECISION

AND

## ORDER

Upon separate petitions for decertification duly filed, a consolidated hearing was held in this case at Denver, Colorado, on December 3, 1947, before William J. Scott, 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 the case, the National Labor Relations Board makes the following:

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE EMPLOYER

Riggs Optical Company, Consolidated, a Delaware corporation with its principal place of business in Chicago, Illinois, is engaged in the wholesale optical business and in the manufacture of optical products at its Denver, Colorado, branch which is the only plant of the Employer involved. During the years 1945 and 1946 the Employer, at its Denver branch, purchased materials worth more than \$100,000, of

which more than 75 percent was received from points outside the State. During the same period sales at the Denver branch exceeded \$200,000 in value, of which approximately 15 percent was shipped to points outside the State.

The Employer admits and we find that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE PARTIES INVOLVED

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

The Union, a labor organization affiliated with the Congress of Industrial Organizations, was certified by the Board on May 31, 1946,<sup>1</sup> as the bargaining representative of employees of the Employer in two separate units.<sup>2</sup>

## III. THE ALLEGED QUESTIONS CONCERNING REPRESENTATION

As already stated, on May 31, 1946, the Union was certified as representative of employees of the Employer in two separate units. On July 10, 1946, the Union and Employer entered into a separate contract for each unit, which contracts expired on July 1, 1947. Negotiations between the Union and Employer for new contracts continued until August 20, 1947. On that date, no agreement having been reached, the Union called a strike. The strike continued to September 18, 1947, when, at a meeting of 10 out of the 12 employee members of the Union in both units, it was unanimously voted to "disband" the "Riggs units" of the Union. On September 22, 1947, the Petitioners filed the instant petitions.

It appears from the record that the Union is no longer actively representing, or seeking to represent, the employees in either unit. Although served with Notice of Hearing in the instant cases, the Union failed to appear. The Petitioner stated at the hearing that, in view of the inactivity of the Union with respect to the Employer's employees, he believed that there was no present need for decertification elections. We find that whatever vitality the Union's certificate might otherwise have at this time as recognizing or formalizing the Union's representative status, has been canceled by the Union's conduct.

Under these circumstances, we find that no questions affecting commerce exist concerning the representation of employees of the Em-

<sup>1</sup> Case No 17-R-1284 The Decision and Direction of Election in that case is reported at 67 N L R B 565.

<sup>2</sup> The Union is not in compliance with Section 9 (f) and (h) of the Act.

ployer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, and we shall dismiss the petitions.

### ORDER

IT IS HEREBY ORDERED that the petitions filed by Richard F. Daum for decertification of United Office and Professional Workers of America, Local 23, C. I. O., as bargaining representative of employees of Riggs Optical Company, Consolidated, Denver, Colorado, be, and they hereby are, dismissed.

CHAIRMAN HERZOG and MEMBER REYNOLDS took no part in the consideration of the above Decision and Order.