

IN the Matter of LEHIGH VALLEY BROADCASTING COMPANY, EMPLOYER
and ANNOUNCER-TECHNICIANS AND RADIO TECHNICIANS EMPLOYED
BY LEHIGH VALLEY BROADCASTING COMPANY, PETITIONERS and AMERICAN COMMUNICATIONS ASSOCIATION, C. I. O., UNION

Case No. 4-RD-9.—Decided May 25, 1948

Mr. B. Bryan Musselman; of Allentown, Pa., for the Employer.

Mr. Garrett B. Conover, of Allentown, Pa., for the Petitioners.

Mr. William A. Lamey, of Philadelphia, Pa., for the Union.

DECISION

AND

ORDER

Upon a petition duly filed, hearing in this case was held at Allentown, Pennsylvania, on March 18, 1948, before John H. Garver, hearing officer, and continued at Philadelphia, Pennsylvania, on April 7, 1948. 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 National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.*

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

The Employer is a Pennsylvania corporation operating radio broadcasting stations WSAW and WSAW-FM in Allentown, Pennsylvania, pursuant to licenses of the Federal Communications Commission. The Employer's gross receipts for broadcasting amount to approximately \$200,000 annually, of which some \$80,000 is derived from programs which come to it through the National Broadcasting Company. Thirty percent of the Employer's time is devoted to these NBC programs.

*Chairman Herzog and Members Reynolds and Murdock.

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

II. THE ORGANIZATION INVOLVED

The Petitioners are those individuals employed as announcer-technicians and radio technicians by the Employer. They assert that the Union is no longer their bargaining representative as defined in Section 9 (a) of the amended Act.

The American Communications Association, herein called the Union, is a labor organization affiliated with the Congress of Industrial Organizations, and was certified on October 3, 1945, as the bargaining representative of the Petitioners.¹

III. THE QUESTION CONCERNING REPRESENTATION

The contract between the Employer and the Union's Northeastern Branch, District Local 1, was executed December 13, 1945, and expired October 31, 1947, by reason of the Union's notice of termination given by letter of August 26, 1947. In its letter the Union offered to meet to negotiate a new contract, and it submitted a draft of a new contract on September 15, 1947, but apparently no further steps were taken. On December 22, 1947, the Petitioners filed their decertification petition. At the hearing on March 18, 1948, the Union, although served, did not appear. It did appear at the continuation of the hearing on April 7, 1948, and its representative stated that the Union did not claim to represent the Employer's employees and was not seeking a new contract.

In view of the Union's disclaimer of its status as bargaining representative of the Petitioners, we find that 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.²

ORDER

IT IS HEREBY ORDERED that the petition filed by Announcer-Technicians and Radio Technicians employed by the Lehigh Valley Broadcasting Company at Allentown, Pennsylvania, for decertification of American Communications Association, C. I. O., as their bargaining representative, be, and it hereby is, dismissed.

¹ See Case No 4-R-1862. A consent election was held September 25, 1945. Nine out of 12 votes were cast for the Union. The unit now consists of 15.

² *Matter of Federal Shipbuilding and Drydock Co.*, 77 N L R B 463. As we stated in that case, whatever vitality the Union's certification might otherwise still have to establish its representative status is necessarily cancelled by the Union's own disclaimer.