

In the Matter of E. I. DUPONT DE NEMOURS AND COMPANY, EMPLOYER
and THEODORE JERZEWSKI, PETITIONER and UNITED ASSOCIATION OF
JOURNEYMEN & APPRENTICES OF THE PLUMBING & PIPE FITTING
INDUSTRY OF THE U. S. & CANADA, LEADBURNERS LOCAL 677, A. F. OF
L., UNION

Case No. 3-RD-9.—Decided May 28, 1948 °

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

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 this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The Petitioner, an employee of the Employer, asserts that the Union is no longer the representative of certain of the Employer's employees as defined in Section 9 (a) of the Act. The Union, a labor organization affiliated with the American Federation of Labor, was certified by the Board on April 24, 1946, as the bargaining representative of these employees.²

3. A question of representation 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.³

*Chairman Herzog and Members Reynolds and Murdock.

¹ For the reasons stated in footnote 3, below, the Union's motion to dismiss the petition on the ground that its contract with the Employer is a bar to this proceeding is denied.

² *Matter of E. I. Du Pont de Nemours and Company*, Case No. 3-R-1079.

³ Inasmuch as the petition herein was filed on February 3, 1948, prior to the automatic renewal date of the 1947 contract between the Union and the Employer, the contract cannot serve as a bar. *Matter of Snow & Nealley Co.*, 76 N. L. R. B. 390.

4. The following employees of the Employer constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All leadburners and leadburners' helpers in the Rayon Division of the Employer's Buffalo, New York, plant,⁴ excluding all supervisors as defined by the Act.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by 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—Series 5, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll 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 or not they desire to be represented, for purposes of collective bargaining, by United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the U. S. & Canada, Leadburners Local 677, A. F. of L.

⁴ Including those employees in the unit who may be referred to as apprentices or trainees but are carried on the Employer's pay roll as leadburners and leadburners' helpers.