

In these circumstances, there does not exist at this plant a clearly identifiable group of employees engaged essentially in truckdriving work. Rather it appears, and we find, that those production and maintenance employees who in varying degree spend only a part of their time driving trucks, have substantially the same interest in working conditions as all other production and maintenance workers. We conclude, therefore, that the Teamsters has not requested an appropriate unit and, accordingly, we shall dismiss the petition in Case No. 1-RC-3048.⁴

In view of the foregoing conclusion, we find that all production and maintenance employees at the Employer's Portland, Maine, plant, including employees who drive trucks, but excluding office and clerical employees, guards, professional employees, executives, foremen, and all other supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

Order

IT IS HEREBY ORDERED that the petition in Case No. 1-RC-3048 be, and it hereby is, dismissed.

[Text of Direction of Election omitted from publication in this volume.]

⁴ We have not accorded the Teamsters a place on the ballot in the election herein directed as it did not indicate at the hearing that it desired to represent all production and maintenance employees in the event its petition was dismissed. The Teamsters will, however, upon proper application to the Regional Director, be placed on the ballot.

BUCKEYE OIL COMPANY, CHEMICAL PULP DIVISION *and* INTERNATIONAL BROTHERHOOD OF PULP, SULPHITE AND PAPER MILL WORKERS, AFL, PETITIONER. *Case No. 32-RC-516. February 6, 1953*

Supplemental Decision and Direction

Pursuant to a Decision and Direction of Election issued by the Board on October 21, 1952,¹ an election by secret ballot was conducted among the employees in the appropriate unit on October 30, 1952, under the direction and supervision of the Regional Director for the Fifteenth Region. At the conclusion of the election, the parties were furnished with a tally of ballots. The tally shows that there were approximately 414 eligible voters and that 290 cast valid ballots, of which 148 were for the Petitioner, 141 for the Intervenor (Local 19, Distributive, Processing and Office Workers of America), and 1

¹ 101 NLRB 30.

102 NLRB No. 112.

for no union. In addition, there were 3 void and 32 challenged ballots.

On October 31, 1952, the Petitioner filed objections to the election. Thereafter, in accordance with the Board's Rules and Regulations, the Regional Director investigated the objections and the challenges, which were sufficient in number to affect the election results. On December 18, 1952, the Regional Director issued a report on challenged ballots and objections, which he duly served upon the parties. In his report, the Regional Director found that the Petitioner's objections raised no substantial and material issues affecting the election and recommended that they be overruled. He further found that, of the employees who cast challenged ballots, 16 were ineligible to vote and 16 eligible. Accordingly, he recommended that challenges to the ballots cast by the ineligible employees be sustained and those by the eligible employees be overruled and the latter ballots opened and counted. The Petitioner timely filed an "appeal" in the nature of exceptions to the Regional Director's rulings on the objections and on 15 of the 16 challenges recommended to be overruled.²

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Styles, and Peterson].

Objections: The Petitioner objected to the election on the ground that the Employer, immediately before the election, gave the Intervenor a list of laid-off employees considered eligible to vote, so that the Intervenor might contact and carry these employees to the polls, but never offered this list to the Petitioner. However, the Regional Director found that the Intervenor requested the list on October 27 and received it on October 28; that the Employer gave the Petitioner an identical list on October 29, the day before the election; that there was no evidence, or offer of evidence, to show that the list was given to the Intervenor in order to enable it to contact and carry employees to the polls; and that it was not attributable to the Employer that the list was in fact so used. In its exceptions, the Petitioner does not dispute the Regional Director's findings of fact, but asserts that interference resulted because the list was used to transport laid-off employees to the polls. We find no merit in the Petitioner's exception.

As found by the Regional Director, there was no evidence of discriminatory treatment by the Employer. The mere fact that a list, which the Employer furnished to the Petitioner and Intervenor, was used by the latter to transport employees to the polls does not constitute interference with the election. We therefore overrule the Petitioner's objections.

² As no exceptions were filed to the Regional Director's recommendations that 16 challenges be sustained and 1 (cast by Amos Dodds) be overruled, we hereby adopt these findings and recommendations.

Challenges: The Petitioner, as already noted, excepted to the Regional Director's recommendation that 15 challenged ballots be opened and counted.³ These 15 ballots, as the Regional Director found, were cast either by regular seasonal employees who were employed at the time of the election or by temporarily laid-off employees who had a reasonable expectancy of further employment. The facts relating to the status of the voters in question, as found by the Regional Director, are substantially undisputed. It is Board policy, long established, that such employees are eligible to vote in a Board-directed election. Accordingly, we shall adopt the Regional Director's recommendation that these 15 challenges be overruled and that the ballots so challenged be opened and counted.

Direction

IT IS HEREBY DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, the Regional Director for the Fifteenth Region shall, within ten (10) days from the date of this Direction, open and count the ballots of Warren Johnson, James Johnson, Ellison Flagg, George Isabel, Jr., Andrew Mason, Joe W. Hudson, Daniel Rutledge, Jimmy D. Traylor, Amos Dodds, C. L. Mane, Sam McNeil, Robert Grays, Walter Knox, Joseph L. Key, Willie Lewis, and Otis Johnson and shall thereafter prepare and cause to be served upon the parties a supplemental tally of ballots, including therein the count of the ballots described above.

³ These ballots were cast by the following employees: Warren Johnson, James Johnson, Ellison Flagg, George Isabel, Jr., Andrew Mason, Joe W. Hudson, Daniel Rutledge, Jimmy D. Traylor, C. L. Mane, Sam McNeil, Robert Grays, Walter Knox, Joseph L. Key, Willie Lewis, and Otis Johnson.

STEWART-WARNER CORPORATION and INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, CIO, PETITIONER. *Case No. 13-RC-2667. February 6, 1953*

Supplemental Decision and Certification of Representative

Pursuant to a Decision and Direction of Election issued by the Board herein on August 13, 1952,¹ an election by secret ballot was held on September 11, 1952, under the direction and supervision of the Regional Director for the Thirteenth Region. Upon completion of the election, the Regional Director issued and duly served upon the parties a tally of ballots which showed that of approximately 3,833 eligible voters, 3,520 cast valid ballots, of which 1,700 were in favor

¹ 100 NLRB 608.

102 NLRB No. 130.