

IT IS HEREBY ORDERED that the request for oral argument be, and it hereby is, denied.

By direction of the Board:

Ogden W. Fields,
Associate Executive Secretary.

WEATHERHEAD COMPANY OF ANTWERP *and* INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW-CIO, Petitioner. Case No. 8-RC-1581. October 16, 1953

DECISION AND ORDER

Pursuant to an agreement of the Employer, Petitioner, and Intervenor,¹ a consent election was held on April 10, 1952, among the production and maintenance employees at the Employer's plant. Thereafter, on April 17, 1952, the Intervenor, having received a majority of the valid votes cast in the election,² was certified as the representative of the above employees. On February 21, 1953, the Intervenor signed a contract with the Employer, expiring September 21, 1955. On August 21, 1953, the Petitioner filed a motion with the Board alleging that the Intervenor had changed its name and had affiliated with the Petitioner, and requesting that the certification be amended by substituting the name of the Petitioner and its affiliated Local 1269 for that of the Intervenor. Subsequently, on September 1, 1953, there was issued an order to show cause why the certification should not be amended as requested. On September 10, 1953, the Employer and Intervenor filed separate briefs in opposition to the motion to amend.

The Petitioner alleges in its motion that a majority of the members of the Intervenor who attended a duly called meeting on July 11, 1953, voted 93 to 28 at such meeting to seek affiliation with the Petitioner and to direct the officers of the Intervenor to request a charter from the Petitioner and to petition the Board to substitute the Petitioner as the bargaining representative in the certification previously issued to the Intervenor. The Petitioner further alleges that on August 8, 1953, at another meeting, the members of the Intervenor voted 125 to 79 to change its name to International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, UAW-CIO, that upon issuance of a charter the local number be added, and that Petitioner's constitution and bylaws be substituted for those of the Intervenor. The Petitioner also states that the Em-

¹At the time of the filing of the petition for certification of representatives, the Weatherhead Employees Association was permitted to intervene.

²Petitioner received 59 votes; Intervenor, 219; and no union 2

ployer refused to recognize Petitioner and its new Local 1269 as the certified bargaining representative. In its brief the Employer alleges, *inter alia*, that the Intervenor is still in existence and that it is still dealing with the Intervenor as the representative of the employees in the production and maintenance unit. The Intervenor alleges that it has a full complement of officers and directors and is carrying on at present its representative duties under its constitution and bylaws and in accordance with its outstanding agreement with the Employer.

It is clear from the foregoing that the allegations contained in the Petitioner's motion constitute an attempt to raise a question concerning representation. The Petitioner requests that we resolve this alleged question concerning representation by amending the certification. However, both the Act and the Board's policy require that such matters be determined through a petition and secret ballot of the employees concerned. The possibility that such a petition and election may be barred at this time by Intervenor's bargaining agreement with the Employer is not sufficient justification for abandonment or evasion of the procedure. Accordingly, we find that the motion to amend is without merit.³

[The Board denied the motion to amend the certification filed by the Petitioner.⁴]

Member Rodgers took no part in the consideration of the above Decision and Order.

³Wagner Electric Corporation, 91 NLRB 220.

⁴In view of our disposition of the motion to amend, the requests of the Employer and Intervenor for a hearing on this matter are denied.

PULITZER PUBLISHING COMPANY, ST. LOUIS POST-DISPATCH *and* WENSLEY JOHNSTON, Petitioner

ST. LOUIS GLOBE DEMOCRAT *and* WENSLEY JOHNSTON, Petitioner. Cases Nos. 14-RD-69 and 14-RD-70. October 20, 1953

DECISION AND ORDER

Upon separate petitions duly filed under Section 9 (c) of the National Labor Relations Act, a consolidated hearing was held before Roy V. Hayden, 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 these cases, the Board finds:

1. The Employers are engaged in commerce within the meaning of the National Labor Relations Act.