

employees time off. We find that his direction of the loaders is routine in nature. We shall include him in the unit.<sup>10</sup>

The senior mechanic at Miami directs a crew of 10 men. He is paid by salary and is the highest paid employee in the plant. He has in fact hired three employees. We shall exclude him from the unit as a supervisor.

We find that all production and maintenance employees at the Miami Paper Board Mills, Inc., and Simco Waste Paper, Inc., Miami, Florida, including the shipping clerk and the baling foreman, but excluding office clerical employees, guards, the senior mechanic, 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.

[Text of Direction of Election omitted from publication.]

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<sup>10</sup> *Southern Paperboard Corporation*, 84 NLRB 822.

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FLETCHER-EICHMAN COMPANY *and* ROSS GOLDEN, MARY HANSEN, ET AL., PETITIONER *and* LOCAL 743, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL. *Case No. 13-UD-13. July 14, 1954*

### Decision, Order, and Direction of Election

On February 26, 1954, a petition was filed by Ross Golden, Mary Hansen, et al.,<sup>1</sup> pursuant to Section 9 (e) (1) of the National Labor Relations Act, to withdraw the union-shop authority of the Union. Thereafter, on March 26, 1954, the Regional Director for the Thirteenth Region conducted an election among the warehouse and maintenance employees of the Employer to determine whether they desired to withdraw the authority of their bargaining representative to require, under its agreement with the Employer, that membership in the Union be a condition of employment.

Upon completion of the election, the Regional Director duly issued and served on the parties a tally of ballots, which showed that, of approximately 9 eligible voters, 7 voted in favor of and 2 voted against the above proposition, and no ballots were challenged.

Thereafter, the Union filed timely objections to the election. On April 30, 1954, the Regional Director issued his report on objections finding merit in the Union's first objection and recommending that the election be set aside. He found no merit in the Employer's other objections and recommended that they be overruled. The Union there-

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<sup>1</sup> Five other employees also signed the petition.

upon excepted to so much of the Regional Director's report as rejected its other grounds for setting the election aside.

Having duly considered the matter, the Board finds as follows:

As to the first objection, the Regional Director found that at 4:15 p. m. on the day before the election, approximately 15 minutes before the end of the workday, the employees were told to stop work and report to the office of the Employer's president to listen to some remarks by him. By 4:25 all of the employees had gathered in his office and the Employer's president read a speech to them. The employees were paid as usual until 4:30. The Regional Director found that the Employer's conduct violated the rule of *Peerless Plywood Company*<sup>2</sup> and recommended that the objection be sustained and the election set aside.

As already noted, no exceptions were filed to this finding and recommendation. Accordingly, we adopt them and will set the election aside.

In its exceptions the Union contends that the Regional Director also should have found merit in its other objections alleging that the Employer made threats of reprisal and promises of benefit and otherwise restrained and coerced the employees in the exercise of their free choice in the election. As we have decided to set the election aside on the basis of the first objection, we find it unnecessary to pass on the merits of the other objections.

Accordingly, as we have sustained the Union's first objection, we shall set aside the results of the March 26 election and direct that a new election be conducted.

[The Board set aside the election held herein on March 26, 1954.]

[Text of Direction of Election omitted from publication.]

MEMBER RODGERS took no part in the consideration of the above Decision, Order, and Direction of Election.

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<sup>2</sup> 107 NLRB 427.

NADEAU LUMBER CO., INC. and UNITED BROTHERHOOD LOCAL 75, INTERNATIONAL BROTHERHOOD OF PULP, SULPHITE AND PAPER MILL WORKERS, AFL, PETITIONER. *Case No. 1-RC-3525. July 14, 1954*

### Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Robert E. Greene, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.