

2. United Bakery Workers Union, Local 1807, CIO, is a labor organization within the meaning of Section 2 (5) of the Act.

3. Respondent has not engaged in unfair labor practices within the meaning of Section 8 (a) (1) and (3) of the Act.

[Recommendations omitted from publication.]

M. PAVIA FERNANDEZ, INC., D/B/A HOSPITAL PAVIA *and* UNIDAD GENERAL DE TRABAJADORES DE PUERTO RICO. *Case No. 24-RC-676. August 6, 1954*

Supplemental Decision and Direction

Pursuant to a Decision and Direction of Election issued by the Board on May 12, 1954,¹ an election by secret ballot was conducted on June 2, 1954, under the supervision of the Regional Director for the Twenty-fourth Region, among the employees in the unit found appropriate. Upon the conclusion of the election, the parties were furnished a tally of ballots which showed that of approximately 28 eligible voters, 21 cast ballots, of which 4 were for and 5 were against the Petitioner, and 12 ballots were challenged.

As the challenged ballots were sufficient in number to affect the results of the election, the Regional Director, in accordance with Board Rules and Regulations, conducted an investigation of the challenged ballots, and on June 23, 1954, issued and duly served upon the parties his report on challenged ballots. In his report, the Regional Director recommended that the challenges be overruled and that the ballots be opened and counted. Thereafter, the Employer filed exceptions to the report on challenged ballots.

We are in accord with the recommendation of the Regional Director. The ballots of 12 nurses' aides were challenged by the Employer on the ground that these individuals did not possess a license required under Puerto Rico statute for employment as nurses' aide. The 12 nurses' aides, though unlicensed, have been and continue to be employees of the Employer. As they were on the Employer's payroll during the eligible period preceding the election, we find they were entitled to vote in the election. Accordingly, we hereby overrule the Employer's challenges, and shall direct that the challenged ballots be opened and counted.

[The Board directed that the Regional Director shall, within ten (10) days from the date of this Direction, open and count the ballots cast by Carmen A. Texidor, Maria E. Caraballo, Basilia Rivera, Catalina Llanos, Maria Andino, Carmen Julia Escalera, Julia Rodriguez, Carmen Rivera, Antonia Otero, Aida L. Cedres, Aurea Robles, and

¹ Not reported in printed volumes of Board Decisions and Orders.

Carmen Otero, and thereafter prepare and cause to be served upon the parties a revised tally of ballots, including therein the count of said challenged ballots.]

MEMBER PETERSON took no part in the consideration of the above Supplemental Decision and Direction.

GENERAL ELECTRIC COMPANY *and* INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, CIO, PETITIONER. *Case No. 9-RC-2223. August 6, 1954*

Decision and Direction of Election

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before George M. Dick, 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 this case, the Board finds:

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

2. The labor organizations involved claim to represent certain employees of the Employer.

3. United Electrical, Radio & Machine Workers of America, hereinafter referred to as the UE, was permitted to intervene, individually, and on behalf of its Local 766. The UE asserts that its current national agreement with the Employer, which covers the operations involved herein at the Employer's Cincinnati Apparatus Department Service Shop, as well as other operations of the Employer, is a bar to the instant proceedings. This agreement, effective until April 1, 1955, and from year to year thereafter in the absence of appropriate termination notice, contains the following modification clause:

Not more than 60 days and not less than 30 days prior to: June 1, 1954, April 1, 1955; and any April 1st date thereafter, respectively, either the Company or the Union may present to the other notice of proposed modifications or additions to the provisions hereof. Within 15 days after such notice is given, collective bargaining negotiations shall commence for the purpose of considering such modifications or additions. Failing agreement thereon by June 1, 1954, April 1, 1955, or any subsequent April 1st thereafter, respectively, the Union and its UE Locals shall have the right to strike, but the contract shall continue in effect as provided in Article XXVI. However, in the event of such strike, the Company may, at its option, terminate this agreement upon three days' written notice to the Union.