

WEST COAST LOADING CORPORATION *and* EDNA P. FRASER, PETITIONER
and LOCAL 4876, UNITED STEELWORKERS OF AMERICA, CIO. *Case*
No. 21-RD-209. August 20, 1954

Supplemental Decision and Certification of Representatives

On June 17, 1954, pursuant to the Board's Decision and Direction of Election,¹ an election by secret ballot was conducted, under the direction and supervision of the Acting Regional Director for the Twenty-first Region, among the employees of the Employer in the unit designated in the Decision and Direction of Election, to determine whether or not they wished the Petitioner to continue to represent them for the purposes of collective bargaining. Thereafter, a tally of ballots was furnished to the parties, which shows that, of 196 eligible employees, 136 cast ballots, 87 in favor of the Union and 48 against it. One ballot was challenged.

On June 22, 1954, the Employer filed timely objections to the election. Thereafter, pursuant to Section 102.61 of the Board's Rules and Regulations, the Regional Director conducted an investigation and on July 9, 1954, issued and duly served upon the parties his report on objections, in which he found that the Employer's objections raised no substantial or material issues and recommended that they be overruled. On July 19, 1954, the Employer filed exceptions to the Regional Director's report.

The Board has reviewed the Employer's objections, the Regional Director's report, and the exceptions thereto, and, like the Regional Director, we do not find the objections raise material or substantial issues with respect to the election, for the following reasons:

On election day 5 union representatives stationed themselves on the road leading to the Employer's plant at a distance of 800 feet from the polling place and passed out campaign literature to the incoming vehicles carrying employees on their way to vote. In its objections the Employer alleged that the Union interfered with the employees' free choice of a bargaining agent because, when these union representatives stationed themselves at the plant entrance, they (1) "approached, flagged down and stopped each car," (2) made it impossible for any employee to come into the plant to vote without coming under their "surveillance" and "direct personal contact," and, finally, (3) carried on these electioneering activities in full view of the polling place.

We agree with the Regional Director that the Union's distribution of campaign material, not in itself coercive, at a distance of 800 feet from the polling place does not constitute sufficient interference to

¹ *West Coast Loading Corporation, 21-RD-209, March 30, 1954, not reported in printed volumes of Board Decisions and Orders.*

warrant setting the election aside. In his report on objections the Regional Director attributed to the Employer an allegation not made in its formal objections, to the effect that the union representatives made it impossible for vehicles to pass them by without hitting them. Without deciding whether this additional objection was properly considered by the Regional Director, we find that it also is without merit.

Accordingly, the Employer's exceptions to the report on objections are hereby overruled. As the tally of ballots shows a majority of the ballots were cast for the Union, we shall certify that labor organization as the collective-bargaining representative of the employees in the appropriate unit.

[The Board certified Local 4876, United Steelworkers of America, CIO, as the selected collective-bargaining representative of the employees of West Coast Loading Corporation, in the appropriate unit described in the Board's Decision and Direction of Election.]

MEMBERS MURDOCK and RODGERS took no part in the consideration of the above Supplemental Decision and Certification of Representatives.

ADKINS TRANSFER COMPANY, INC. and TEAMSTERS, CHAUFFEURS, HELPERS AND TAXICAB DRIVERS LOCAL UNION #327, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL. *Case No. 10-CA-1867. August 23, 1954*

Decision and Order

On April 15, 1954, Trial Examiner Herbert Silberman issued his Intermediate Report in the above-entitled proceeding, finding, as is set forth in the copy of the Intermediate Report attached hereto, that the Respondent had not engaged in and was not engaging in the unfair labor practices charged to it in the complaint and recommending that the complaint be dismissed. Thereafter, the General Counsel filed exceptions to the Intermediate Report and a supporting brief.

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and briefs, and the entire record in this case, and hereby adopts the findings of fact made by the Trial Examiner, except as noted below. However, for the reasons hereafter indicated, the Board rejects in their entirety the recommendations of the Trial Examiner and so much of his conclusions as go to the substantive unfair labor practice allegations of the complaint.