

O'CONNOR MOTOR, INC. *and* AUTO MECHANICS LOCAL 1363, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, AND LOCAL NO. 964, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL. *Case No. 8-RM-71. September 16, 1952*

### 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 Charles A. Fleming, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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, Murdock, and Styles].

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.<sup>1</sup>

3. On June 11, 1952, representatives of the Teamsters and Machinists requested the Employer to sign a contract with those two organizations as joint representatives of its shop employees. Following refusal by the Employer to sign such a contract, a meeting was held several days thereafter at which representatives of the Machinists, the Teamsters, and the Employer were present. The testimony introduced at the hearing concerning this meeting is ambiguous but it appears that the Machinists and the Teamsters indicated an agreement between those organizations providing that each would assume jurisdiction over a portion of the employees in the shop and that the Employer was requested to sign a separate contract with each organization. Reference was also made, however, according to the same testimony, to a "blanket contract." The Board construes the position of the Machinists and the Teamsters to be, on the entire record, a request for recognition as joint representative of the shop employees<sup>2</sup> in the unit set forth in the Employer's petition. Accordingly, we find that a question affecting commerce exists concerning the repre-

<sup>1</sup> Auto Mechanics Local 1363, International Association of Machinists, AFL, herein termed the Machinists, and Local No 964, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL, herein termed the Teamsters, did not appear at the hearing although served with notice of hearing. We do not, however, regard such nonappearance as a withdrawal of claims by those unions to represent the employees of the Employer. See *Felton Oil Company*, 78 NLRB 1033.

<sup>2</sup> Compare *Coeur D'Alene Grocers Association*, 88 NLRB 44; and *Ny-Lint Tool & Mfg. Co.*, 77 NLRB 642.

sentation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. We find that all auto mechanics, body men, painters, trimmers, helpers and apprentices, lubrication and garage men, porters and regular part-time employees in those classifications at the Employer's Cleveland, Ohio, automobile sales and service company, excluding office and clerical employees, salesmen, company officers, guards, professional employees, and all supervisors as defined in the amended Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.<sup>3</sup>

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

<sup>3</sup> See *Jack Taylor and Paul Bullard, d/b/a Butte Motors*, 85 NLRB 1336; *George Vevoda d/b/a Vevoda Motor Sales*, 86 NLRB 573, and cases cited therein.

MOYER & PRATT, INC. *and* INTERNATIONAL BROTHERHOOD OF PAPER MAKERS, AFL, PETITIONER. *Case No. 3-RC-898. September 16, 1952*

### Decision and Certification of Representatives

Pursuant to a stipulation for certification upon consent election, an election by secret ballot was conducted on April 3, 1952, in the above proceedings under the direction and supervision of the Regional Director for the Third Region, among the employees in the stipulated unit. Thereafter, a tally of ballots was furnished to the parties which shows that, of approximately 65 eligible voters, 63 cast ballots, of which 35 were for the Petitioner, 23 were against the Petitioner, and 5 were challenged.

On April 9, 1952, the Employer filed timely objections to the election alleging in substance that the Board agent refused to establish electioneering limits and that a union official, who was not an employee and who conducted the union organizing campaign prior to the election, electioneered near the polling place during voting hours, thus coercing and intimidating employees on their way to vote and interfering with their free choice.

Thereupon, in accordance with the Board's Rules and Regulations, the Regional Director conducted an investigation and on May 21, 1952, issued and duly served upon the parties a report on objections. The Regional Director found that the objections raise no material issues with respect to conduct affecting the results of the election and recommended that they be overruled and that the Petitioner be cer-