

WILLIAMSON-DICKIE MANUFACTURING COMPANY *and*
AMALGAMATED CLOTHING WORKERS OF AMERICA, CIO,
Petitioner. Case No. 16-RC-1163. April 17, 1953

SUPPLEMENTAL DECISION AND ORDER

On November 13, 1952, 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 Regional Director for the Sixteenth Region among certain of the Employer's employees, to determine whether or not they wished the Petitioner to represent them in collective bargaining. A tally of ballots furnished the parties after the election showed that of approximately 1,380 eligible voters, 1,289 cast valid ballots, of which 463 were for and 826 against the Petitioner. The tally also showed that there were 13 void ballots and 29 ballots which were challenged.

On November 14, 1952, the Petitioner filed timely objections to the election, and, on November 20, 1952, filed a supplement to said objections. The objections alleged that the Employer had engaged in improper conduct which affected the results of the election.

On February 26, 1953, the Regional Director issued his report on objections, in which he recommended that the election be set aside on the ground that the Employer had interfered with the election when it made antiunion speeches prior to the election on company time and property and did not afford the Petitioner, upon request, equal opportunity to address the employees. The Employer has filed exceptions to the Regional Director's report.

The Board finds, as did the Regional Director, that the Employer interfered with the election. While both the Employer and the Petitioner had opportunity to contact and persuade employees concerning the issues of the election through various media, nevertheless, as the Employer used company time and property to present its position to the employees while denying a similar opportunity to the Petitioner, the employees were no longer able "to hear both sides of the story under circumstances which reasonably approximate equality."² As the Employer thereby interfered with the employees' freedom of choice in the selection of a bargaining representative, we shall direct that the election of November 13, 1952, be set aside and that the Regional Director conduct a new election at such time as he deems appropriate.

ORDER

IT IS HEREBY ORDERED that the election of November 13, 1952, be, and it hereby is, set aside.

¹ Not reported in printed volumes of Board decisions.

² Onondaga Pottery Company, 100 NLRB 1143; Metropolitan Auto Parts, Incorporated, 99 NLRB 401; National Screw & Mfg. Co. of Cal., 101 NLRB 1360.

As this action of the Employer is sufficient to set the election aside we shall not consider the various other objections of the Petitioner.

IT IS FURTHER ORDERED that this proceeding be remanded to the Regional Director for the Sixteenth Region for the purpose of conducting a new election at such time as he deems that the circumstances permit a free choice of a bargaining representative.

Chairman Herzog and Member Murdock took no part in the consideration of the above Supplemental Decision and Order.

KENOSHA LIQUOR COMPANY; METROR-K, INCORPORATED; MATAGRANO'S, INC.; A & K BEVERAGES, INC.; SAM GEROLMO d/b/a GEROLMO WHOLESALE BEVERAGE COMPANY; RACINE BEVERAGE COMPANY, INC. and INTERNATIONAL UNION OF UNITED BREWERY, FLOUR, CEREAL, SOFT DRINK AND DISTILLING WORKERS OF AMERICA, CIO, Petitioner. Cases Nos. 13-RC-3132, 13-RC-3133, 13-RC-3134, 13-RC-3135, 13-RC-3136, and 13-RC-3137. April 17, 1953

DECISION, ORDER, AND DIRECTION OF ELECTIONS

Upon separate petitions duly filed under Section 9 (c) of the National Labor Relations Act, separate hearings were held in each of the above listed cases before Virginia M. McElroy, hearing officer. The hearing officer's rulings made at the hearings 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 these cases to a three-member panel [Chairman Herzog and Members Houston and Murdock].

Upon the entire record in these cases¹ the Board finds:

1. The Employers, Kenosha Liquor Company, A & K Beverages, Inc., and Racine Beverage Company, Inc., all of which are wholesale distributors of alcoholic beverages in Kenosha, Racine, and Walworth counties, Wisconsin, are engaged in commerce within the meaning of the Act.²

Metro R-K, Incorporated, Matagrano's, Inc., and Gerolmo Wholesale Beverage Company are also wholesale distributors of alcoholic beverages. All three sell only in Wisconsin. Metro R-K's total annual purchases are approximately \$760,000 of which 25-30 percent is for goods received from outside the State of Wisconsin. Eighty percent of Metro R-K's purchases consist of nationally advertised brands of liquor produced by Hiram Walker, Schenley Distilleries, and Stitzel Weller Distilleries.³ Metro R-K sells these brands only in Kenosha, Racine,

¹ The Board has considered these 6 cases together because in all of them 1 or more of the parties, including the Petitioner, urge that the appropriate unit is a single unit comprising certain employees of all 6 Employers.

² Federal Dairy Co., Inc., 91 NLRB 638.

³ All purchases of Hiram Walker products and an undisclosed percentage of the purchases of Schenley products are reflected in the \$190,000-\$228,000 paid for produce shipped directly to