

ALLEN-MORRISON SIGN COMPANY, INCORPORATED *and*
UNITED STEELWORKERS OF AMERICA, CIO, Petitioner.
Case No. 5-RC-1218. May 19, 1953.

SUPPLEMENTAL DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a Decision and Direction of Election issued on March 4, 1953, an election by secret ballot was conducted on March 26, 1953, under the direction and supervision of the Regional Director for the Fifth Region, among certain employees of the Employer. At the conclusion of the election, the parties were furnished with a tally of ballots, which showed that of approximately 192 eligible voters, 99 voted for the Petitioner, and 90 voted against participating labor organizations. There were no void or challenged ballots.

On March 31, 1953, the Employer filed timely objections to the conduct of the election, and to conduct affecting the results of the election, alleging that: (1) While the election was in process, representatives of the Petitioner stood in front of the Employer's plant, sometimes on and sometimes off the property, and distributed union campaign literature to employees coming into the plant and otherwise detained these employees and engaged in active electioneering among them while the election was in process; and (2) that the Employer had immediately protested such conduct without success both to the Petitioner's representatives and to the representative of the National Labor Relations Board.

On April 20, 1953, the Regional Director issued and served upon the parties his report on objections, finding, in effect, that the objections raised no substantial issues since it was apparent that the union representative distributed the literature without coercive comment and had distributed no material which would in itself constitute coercion or interference with a free choice of the ballot, and which was not legitimate campaign propaganda. The Regional Director accordingly recommended that the Board find the Employer's objections to be without merit. On April 29, 1953, the Employer filed exceptions to the report.

We have reviewed the Employer's objections, the Regional Director's report, and the Employer's exceptions thereto. The exceptions raise no matter not already thoroughly investigated and considered which would require a hearing. The record does not disclose that there had been any specific "no electioneering" area designated here. As stated in earlier cases, the mere distribution of handbills at the plant gate, approximately 250 to 300 feet from the polling place, does not constitute electioneering so near the polls as to justify setting aside an election.¹ Under these circumstances, and on the basis of the entire record in this case, we are convinced that the Union's conduct did not interfere with the employees' exercise of a free

¹Linde Air Products Division, 94 NLRB 640, and cases cited therein.

choice in the selection of a collective-bargaining representative. We find that the Employer's objections are without merit, and they are hereby overruled.

As the tally shows that a majority of the valid votes have been cast for the Petitioner, we shall certify the Petitioner as the collective-bargaining representative of the employees in the appropriate unit.

CERTIFICATION OF REPRESENTATIVES

IT IS HEREBY CERTIFIED that United Steelworkers of America, CIO, has been designated and selected by a majority of the employees of Allen-Morrison Sign Company, Incorporated, in the unit found to be appropriate as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, as amended, the said organization is the exclusive representative of all the employees in such unit for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

Chairman Herzog and Member Houston took no part in the consideration of the above Supplemental Decision and Certification of Representatives.

ANACONDA COPPER MINING COMPANY *and* LOCAL UNION NO. 16, INTERNATIONAL HOD CARRIERS, BUILDING & COMMON LABORERS OF AMERICA, AFL. Case No. 33-CA-191. May 20, 1953

DECISION AND ORDER

Upon a charge filed August 8, 1952, by Local Union No. 16, International Hod Carriers, Building & Common Laborers of America, AFL, herein called the Union, the General Counsel of the National Labor Relations Board, by the Regional Director for the Sixteenth Region, issued a complaint dated March 13, 1953, against Anaconda Copper Mining Company, herein called the Respondent, alleging that it had engaged in and was engaging in unfair labor practices affecting commerce within the meaning of Section 8 (a) (1) and (2) and Section 2 (6) and (7) of the Act. Copies of the complaint and charge were duly served upon the Respondent, the Union, and upon West Valencia Independent Union, herein called the Independent Union.

With respect to the unfair labor practices, the complaint alleged that the Respondent, on or about May 27, 1952, and thereafter, assisted, dominated, contributed to the support of, and interfered with the administration of, the Independent Union, and on or about June 23, 1952, entered into a collective-bargaining agreement with the Independent Union, thereby violating Section 8 (a) (2) of the Act, and interfering with,