

[The Board certified Retail Shoe Employees Union, Local 173, New England Joint Board, Retail and Wholesale Department Store Union, C. I. O., as the designated collective-bargaining representative of the employees at the Employer's store located at 489 Washington Street, Boston, Massachusetts, in the unit found to be appropriate.]

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

WESTERN TABLE COMPANY AND WESTERN PICTURE FRAME COMPANY
and LOCAL 18-B, UNITED FURNITURE WORKERS OF AMERICA, CIO.
Case No. 13-RC-3552. September 22, 1954

Supplemental Decision and Certification of Results of Election

Pursuant to a Decision and Direction of Election issued herein on November 18, 1953,¹ an election by secret ballot was conducted on December 16, 1953, under the direction and supervision of the Regional Director for the Thirteenth Region, among the employees in the unit found appropriate by the Board. Following the election, the parties were furnished with a tally of ballots which showed that, of approximately 165 eligible voters, 36 voted for and 122 voted against the Petitioner. There were also 3 challenged ballots and 2 void ballots.

On December 21, 1953, the Petitioner filed timely objections to the election. The Regional Director investigated the objections, and on June 29, 1954, issued and duly served upon the parties his report on objections, in which he recommended that the Board direct a hearing on 2 of the Petitioner's 4 objections, and that the remaining objections be overruled. Thereafter, the Employer filed timely exceptions to the Regional Director's recommendation that a hearing be conducted. The Employer also filed a brief and supporting affidavits.²

In its objections, the Petitioner alleged among other things that the Employer made promises of benefit to employees if the Petitioner lost the election and threats of reprisal against employees if the Petitioner won the election. The Regional Director reported that two affidavits were submitted to substantiate these objections. In one, the affiant stated that about 2 days before the election, the plant superintendent, in a private discussion, told him: "If the union gets in Reinholdt [the Employer's president] will close the plant down as he has other places that can do the work." The same affiant also stated that the cabinet room foreman, on several occasions during the 2 weeks prior to the election, told him in private talks that the Employer

¹ Not reported in printed volumes of Board Decisions and Orders

² As no exceptions were filed to the Regional Director's recommendation that two of the Petitioner's objections be overruled, this recommendation is hereby adopted

would take away the bonuses and discontinue overtime if the Union got in. The other affiant stated that the mill room foreman informed him in a private discussion about a week before the election that if the Union got in, there would be "bad conditions. There will be less hours, no overtime, no Thanksgiving turkey and no Christmas bonus." The plant superintendent and the foremen concerned denied that they made the alleged statements.³

The Regional Director concluded that such threats, if made, would constitute grounds for setting aside the election, and recommended that a hearing be conducted to determine the credibility of witnesses. However, we perceive no reason for conducting a hearing. Even if made, such isolated threats to only 2 of 165 eligible employees, in private conversations, do not constitute sufficient grounds for setting aside the election.⁴ Accordingly, we find that the Petitioner's objections do not raise substantial and material issues with respect to the conduct or results of the election, and they are hereby overruled.

As the Petitioner failed to receive a majority of the ballots cast, we shall certify the results of the election.

[The Board certified that a majority of the valid ballots was not cast for the Petitioner, Local 18-B, Furniture Workers of America, CIO, and that the Petitioner is not the exclusive representative of the employees of Western Table Company and Western Picture Frame Company, in the unit heretofore found appropriate.]

CHAIRMAN FARMER and **MEMBER MURDOCK** took no part in the consideration of the above Supplemental Decision and Certification of Results of Election.

³ The Employer submitted to the Board affidavits apparently executed by 121 employees to the effect that no such threats were made to them or in their presence by any of the Employer's supervisors. In view of our disposition of this case, we find it unnecessary to consider the effect of these affidavits.

⁴ See *Morganton Full Fashioned Hosiery Company, et al.*, 107 NLRB 1534, and *The Liberal Market, Inc.*, 108 NLRB 1481. Member Peterson, who dissented in the latter case, concurs here not only because the remarks were isolated but also because there is no showing that they were made generally or were relayed by the two affiants to other employees.

BROOKLYN BOROUGH GAS COMPANY and LOCAL 815, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL, PETITIONERS. Cases Nos. 2-RC-6106 and 2-RC-6220. September 23, 1954

Decision and Direction of Election

Upon separate petitions duly filed under Section 9 (c) of the National Labor Relations Act, a consolidated hearing was held before 110 NLRB No. 11.