

ready paid, and said he was going to replace Horton as foreman, "but if he did it would be someone who did not join the union."

Robert A. Baker testified that about noon on Sunday, April 26, 1953, Frank Simmons telephoned him, and among other things, promised him an increase in pay if he did not go to the union meeting that afternoon. Likewise, William H. Parker testified that about noon, on April 26, Frank Simmons telephoned him and said that he would make it worth Parker's while if Parker did not go to the union meeting. Parker further testified that on the evening of the same day Simmons again telephoned him and asked him who had attended the meeting and who had taken the obligation.

Jack C. Byerley testified that on June 3, Jim Orr, the then foreman of the composing room, told the witness "that anybody caught going to the union meetings would be fired." Byerley further testified that on June 24 when he advised Jim Orr, that he was going to see Mr. Wilkerson, the Board field examiner, Orr asked Byerley if he remembered what he had been told the other time. Byerley said he did and Orr replied, "Well, you can tell that union to get you all a job."

I find that the Respondent has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed them by Section 7 of the Act, in violation of Section 8 (a) (1) of the Act, by: (a) Questioning its employees in regard to their membership in, sympathy for, and activities on behalf of the Union; (b) promising benefits to its employees if they do not join the Union or engage in union activities; (c) threatening employees with possible discharge and foreclosure of opportunity for advancement to the position of foreman if they join the Union; (d) engaging in surveillance of union meetings for the purpose of discouraging membership in, sympathy for, and activities on behalf of the Union by its employees.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of the Respondent, set forth in section III, above, occurring in connection with the operations of the Respondent described in section II, above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

Upon the basis of the foregoing findings of fact, and upon the entire record in the case, I make the following:

CONCLUSIONS OF LAW

1. Publishers Printing Company, Incorporated, is, and at all times relevant herein was, engaged in commerce within the meaning of Section 2 (6) and (7) of the Act.
2. By interfering with, restraining, and coercing its employees in the exercise of the rights guaranteed them in Section 7 of the Act, the Respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (a) (1) of the Act.
3. The aforesaid unfair labor practices are unfair labor practices affecting commerce within the meaning of Section 2 (6) and (7) of the Act.

[Recommendations omitted from publication.]

BULL INSULAR LINES, INC., ET AL. *and* INTERNATIONAL LONGSHOREMEN'S ASSOCIATION DISTRICT COUNCIL OF THE PORTS OF PUERTO RICO (ILA), PETITIONER

PUERTO RICO MARINE CORP. ET AL. *and* UNION DE TRABAJADORES DE ABORDO Y MUELLE DE PONCE INDEPENDENTE, PETITIONER

EASTERN SUGAR ASSOCIATES (A TRUST), PETITIONER *and* LOCAL UNION No. 1745, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION (ILA)

PUERTO RICO DRY DOCK AND MARINE TERMINAL, INC. *and* CONFEDERACION GENERAL DE TRABAJADORES DE PUERTO RICO (AUTENTICA), PETITIONER

BULL INSULAR LINE, INC., ET AL. *and* UNION DE EMPLEADOS DE MUELLES DE PUERTO RICO, PETITIONER

BULL INSULAR LINE, INC., PETITIONER *and* INTERNATIONAL LONGSHOREMEN'S ASSOCIATION DISTRICT COUNCIL OF PORTS OF P. R.

MENDEZ & CIA., INC. *and* UNION DE EMPLEADOS DE MUELLES DE PUERTO RICO, PETITIONER

PUERTO RICO STEAMSHIP ASSOCIATION, ET AL. *and* UNION DE TRABAJADORES DE MUELLES Y RAMAS ANEXAS DE PUERTO RICO (UTM) AFL, PETITIONER

PUERTO RICO STEAMSHIP ASSOCIATION, PETITIONER *and* INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

PUERTO RICO STEAMSHIP ASSOCIATION, PETITIONER *and* INTERNATIONAL LONGSHOREMEN'S ASSOCIATION. *Cases Nos. 24-RC-197, 24-RC-248, 24-RM-8, 24-RC-225, 24-RC-359, 24-RM-12, 24-RC-246, 24-RC-663, 24-RM-21, and 24-RM-22. September 27, 1954*

Second Supplemental Decision, Order, and Certification of Representatives

On May 18, 1954, the Board issued a Supplemental Decision, Direction, and Certification in the above-entitled cases. In that Decision (108 NLRB 900), the Board deferred certification for voting group 3 (Cases Nos. 24-RC-359 and 24-RM-12) pending the count of challenged ballots in accordance with the recommendation of the Regional Director. Thereafter, pursuant to the Board's direction to the Regional Director to open and count certain challenged ballots, the Regional Director prepared and served upon the parties a supplemental tally of ballots in which it appeared that the Union de Empleados de Muelles de Puerto Rico, (UDEM), had received a majority of the valid votes cast in the election for this voting group. Subsequent thereto, the UDEM filed a motion with the Board in which it stated that it had become affiliated with the American Federation of Labor and requested that it be certified as "Union de Empleados de Muelles de Puerto Rico (A. F. of L.), Local 24927." The Association, here called the Employer, has been apprised of the motion and the relief demanded therein, and has stated that it has no objection thereto.

The Board has considered the motion of the UDEM and upon the basis of the entire record, including the statement of the Employer, and we shall grant the UDEM the relief sought.¹

The Board amended the Decision and Direction of Elections issued January 5, 1954, by changing the name of the UDEM to read: Union de Empleados de Muelles de Puerto Rico (A. F. of L.), Local 24927.

¹ See *National Tube Company*, 78 NLRB 110. See also *Dixie Dairies Division of the Borden Company*, 104 NLRB 1031.

[The Board certified the Union de Empleados de Muelles de Puerto Rico (A. F. of L.), Local 24927, as the designated collective-bargaining representative of the employees of employer members of the Puerto Rico Steamship Association of San Juan, in the unit of checkers and related classifications found appropriate above in Cases Nos. 24-RC-359 and 24-RM-21.]

MEMBER MURDOCK took no part in the consideration of the above Second Supplemental Decision, Order, and Certification of Representatives.

THE LIBERAL MARKET, INC. and RETAIL CLERKS UNION 1552, RETAIL CLERKS INTERNATIONAL ASSOCIATION, AFL, PETITIONER. *Case No. 9-RC-2289. September 27, 1954*

Decision and Direction of Election

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. 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 National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Farmer and Members Rodgers and Beeson].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.
2. The labor organizations named below claim to represent certain employees of the Employer.
3. A question affecting commerce exists concerning the representation of certain employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.¹
4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:²

¹ The motion of the Employer to dismiss on the grounds of contract bar is denied because the petition herein was filed timely before the automatic renewal date of the contract. *Central Ruftna*, 108 NLRB 307.

We find no merit in the contention of the Employer that the petition was defective because the Employer had no opportunity to reply to the request for recognition which was received after the petition was filed. See *American Tobacco Company, Incorporated*, 108 NLRB 1211.

² The parties agree as to the unit except as to the approximately 224 part-time employees whom the Petitioner would include and the Employer and Intervenor would exclude. The part-time employees classified as "fill-ins" and "box boys" average approximately 10 to 12 or 15 hours of work within a week. On Friday afternoon and Saturday, the "fill-ins" gen-