

**Mid-South Packers, Inc. and Amalgamated Meat Cutters and Butcher Workmen of North America, AFL, and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 591, AFL, Joint-Petitioners.**

*Case No. 32-RC-763. August 22, 1955*

**SECOND SUPPLEMENTAL DECISION, DIRECTION, AND ORDER**

Pursuant to a Supplemental Decision, Order, and Second Direction of Election<sup>1</sup> dated October 28, 1954, an election by secret ballot was conducted in this proceeding on November 23, 1954, under the direction and supervision of the Regional Director for the Fifteenth Region, among employees in the unit found appropriate by the Board. Following the election, a tally of ballots was furnished the parties. The tally shows that of the 145 votes cast in the election, 66 were for, and 64 votes were against, the Joint-Petitioners, with 15 votes being challenged.

On November 29, 1954, the Joint-Petitioners filed timely objections to conduct affecting the results of the election. The Regional Director thereupon investigated the objections and challenges. On May 27, 1955, the Regional Director issued and duly served upon the parties a report on challenged ballots and objections. As to the challenges, the Regional Director recommended that the challenges to the votes of 9 employees, i. e., Owens, Parker, Price, Wade, Robinson, Nannay, Christopher, Helms, and Murrell be overruled; and that the challenges to the votes of 6 employees, i. e., Black, Barksdale, Mercer, Kingsley, Terrell, and Carson be sustained. The Regional Director also recommended that the nine ballots, as to which he had recommended that the challenges be overruled, be counted; and, if a revised tally of ballots shows that the Joint-Petitioners have received a majority of the votes, that a certification of representatives be accordingly issued. Finding that the Employer's preelection conduct interfered with the election, the Regional Director further recommended that if such revised tally indicates that a majority of the ballots has not been cast for the Joint-Petitioners, the election be set aside and a new election ordered. Within the proper time therefor, the Employer filed exceptions to the Regional Director's report.

The Employer has excepted to the Regional Director's recommendations as to the challenged ballots only insofar as the Regional Director recommended that the challenges to the votes of employees Barksdale, Kingsley, Terrell and Carson be *sustained*. No exceptions have been filed to the Regional Director's recommendation that the challenges

<sup>1</sup> 110 NLRB 628.

113 NLRB No. 95.

to the nine ballots, as noted, be *overruled*, and, accordingly, we adopt the Regional Director's recommendation in this respect.<sup>2</sup> Inasmuch as the counting of these nine ballots may determine the results of the election, we shall direct that they be opened and counted and that the Regional Director issue a revised tally of ballots, before we proceed with a final determination of the Regional Director's recommendations. In the event that these 9 ballots give the Joint-Petitioners a majority of the votes cast, excepting therefrom the 2 ballots of Black and Mercer, we shall direct that the Joint-Petitioners be certified as the collective-bargaining representative of the employees in the unit heretofore found appropriate. If the revised tally does not indicate that the results of the election have been determined in the manner noted, the Board will, upon being so advised by the Regional Director, give further consideration to the disposition of the issues raised by the Employer's exceptions to the Regional Director's report.

[The Board directed that the Regional Director for the Fifteenth Region shall, within ten (10) days from the date of this Direction, open and count the ballots of employees Owens, Parker, Price, Wade, Robinson, Nanney, Christopher, Helms, and Murrell and serve upon the parties a revised tally of ballots and issue a certification of representatives.]

[The Board ordered the above-entitled matter referred to the Regional Director for the Fifteenth Region for disposition.]

CHAIRMAN FARMER took no part in the consideration of the above Second Supplemental Decision, Direction, and Order.

<sup>2</sup> Also not excepted to was the Regional Director's recommendation that the challenges to the votes of employees Black and Mercer be sustained, and we hereby adopt his recommendation in this respect.

**Scott & Scott and International Brotherhood of Bookbinders,  
Local 63, AFL. Case No. 21-CA-1674. August 23, 1955**

#### DECISION AND ORDER

On March 30, 1954, Trial Examiner Maurice M. Miller issued his Intermediate Report in the above-entitled proceeding, finding that Respondent had engaged in and was engaging in certain unfair labor practices and recommending that the Respondent cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. The Trial Examiner found further that the Respondent had not engaged in certain other unfair labor practices alleged in the complaint. Thereafter, the Re-