

is instructed to issue a certification of representatives to the Petitioner for such combined unit, including therein the employees in both group 1 and group 2, which unit the Board, under such circumstances, finds to be appropriate.

If neither labor organization wins in either or both of the voting groups, the Regional Director is instructed to issue a certification of results of election or elections to such effect.

[Text of Direction of Elections omitted from publication.]

MEMBER MURDOCK took no part in the consideration of the above Decision and Direction of Elections.

Rockwell Valves, Inc., Petitioner and International Association of Machinists and/or its Local 978, AFL-CIO. *Case No. 16-RM-106. January 27, 1956*

DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Lewis A. Ward, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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 organization involved claims to represent employees of the Employer.
3. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, for the following reasons:

The Employer filed its petition on November 22, 1955, contending that the Union no longer represents a majority of its employees. The hearing officer referred to the Board the Union's motion to dismiss the petition on the ground that a year had not elapsed between the time the Union was certified by the Board on January 19, 1955, as bargaining representative of the Employer's production and maintenance employees and the filing of the petition.

Following certification of the Union by the Board, the Employer and the Union held several bargaining conferences, but were unable to reach agreement on the terms of a contract. On June 15, 1955, most of the Employer's employees went on strike. The record shows that the Employer has hired permanent replacements for the strikers, and

that most of the replacements have indicated that they do not wish to be represented by the Union. The Employer contends that the Union therefore no longer represents a majority of the employees.

We find no merit in this contention. The Board has consistently held,¹ with judicial approval,² that, absent unusual circumstances not here present, a Board certification will be treated as identifying the statutory bargaining representative with certainty and finality for a period of 1 year; and, in order to protect the bargaining relationship from disturbance during that period, it is the policy of the Board, in cases like the one at bar, to dismiss all petitions filed at any time before the end of the certification year.³ Accordingly, we shall grant the Union's motion and dismiss the petition.⁴

[The Board dismissed the petition.]⁵

¹ *Centr-O-Cast & Engineering Co.*, 100 NLRB 1507. Cf. *Henry Heide, Inc.*, 107 NLRB 1160

² *Ray Brooks v. N. L. R. B.*, 348 U. S. 96.

³ *Centr-O-Cast* case, *supra*

⁴ The Employer contends that any conflict with the 1-year rule might be obviated by directing an election to be held after the certification year has expired. However, such a procedure is precluded by the policy announced by the Board in the *Centr-O-Cast* case, *supra*, that petitions will not be processed for any purpose during the certification year but will be dismissed

⁵ In view of the fact that the certification year has already elapsed and in view of the unusual circumstances present in this case, Member Rodgers would proceed to an election in this matter.

Cessna Aircraft Company Wichita Division and International Brotherhood of Electrical Workers, Local 271, AFL-CIO, Petitioner. *Case No. 17-RC-2002. January 27, 1956*

**SUPPLEMENTAL DECISION AND CERTIFICATION
OF RESULTS OF ELECTION**

On August 19, 1955, pursuant to the Board's Decision and Direction of Election,¹ a craft severance election by secret ballot was conducted under the direction and supervision of the Regional Director for the Seventeenth Region, among the employees in the voting group heretofore found appropriate. Upon the conclusion of the balloting, a tally of ballots was furnished to the parties in accordance with the Rules and Regulations of the Board. The tally showed that of approximately 11 eligible voters, 5 votes were cast for the Petitioner, which was the Union seeking craft severance, 3 votes were cast for International Association of Machinists, District Lodge No. 70, AFL-CIO, herein called the Intervenor, and 3 votes were cast for neither organization. On August 22, 1955, the Regional Director, acting under

¹ *Cessna Aircraft Company, Wichita Division*, 113 NLRB 450.
115 NLRB No. 44.