

National Aniline Division, Allied Chemical and Dye Corporation and Stanley H. Ackerman, Petitioner and American Federation of Labor and Affiliated Organizations, AFL-CIO. Case No. 5-RD-138. April 25, 1956

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Henry L. Segal, 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 Act.
2. The labor organization involved claims to represent certain employees of the Employer.¹
3. The Intervenor contends that no question of representation exists and that therefore the petition should be dismissed upon the ground that the Petitioner, who is presently a trustee of Intervenor's local organization, is in fact acting as a "front" for the United Mine Workers of America, District 50, hereinafter called UMW, a labor organization not in compliance with Section 9 of the Act.

The Petitioner was formerly a member of a bargaining unit at another Hopewell, Virginia, plant of the Employer, here not involved, which was represented by the UMW. The Petitioner testified that a "friend," who was also a fellow employee in that unit, drafted the petition requesting decertification of the Intervenor in this case. Despite such relationship, he could not remember the friend's name. However, the Petitioner testified that no representative of UMW assisted him in preparing the petition. Two employees, who also hold offices in Intervenor's local organization, testified that a few weeks prior to the hearing, the Petitioner solicited their membership in the UMW, as did two UMW organizers on a separate occasion. These witnesses further testified that they observed the Petitioner soliciting other employees for membership in the UMW. Two other employees, also officials in the Intervenor's local organization, testified that during the same period, the Petitioner, as did the UMW organizers at a different time, discussed with them the possibility of getting the UMW to replace the Intervenor as bargaining representative.

Despite the Petitioner's inability to remember the name of his "friend" who assisted him in drafting the request for decertification,

¹The Petitioner, an employee of the Employer, asserts that the American Federation of Labor and Affiliated Organizations, AFL-CIO, the Intervenor herein, is no longer the bargaining representative, as defined in Section 9 (a) of the Act, of the Employer's employees involved herein. The Intervenor is a labor organization, which on November 5, 1954, was certified as the exclusive bargaining representative of the employees involved.

we are unable to infer that such "friend" was an authorized representative of UMW rather than a former fellow employee and a UMW member whose name the Petitioner did not wish disclosed. Nor does there appear to be any other sufficient basis for inferring that the organizational campaign was a joint adventure between the Petitioner and the UMW representatives. Because of the lack of evidence of direct assistance by authorized officials of UMW, there is no substantial basis on which we could find that the Petitioner is acting as a "front" for UMW, a noncomplying union.² Accordingly, we find that a question of representation affecting commerce exists concerning representation of the employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The parties agree, and we find, that the following employees constitute a unit³ appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All hourly paid production and maintenance employees of the Employer employed at its Hopewell, Virginia, plant, except restaurant employees, employees of the safety department, guards, and watchmen, and excluding executives, office and clerical employees, technical employees, chemists and research and development employees and their assistants, engineers and draftsmen, first aid employees, foremen and supervisors, and all supervisors as defined in the Labor-Management Relations Act of 1947, as amended.

[Text of Direction of Election omitted from publication.]

MEMBER RODGERS took no part in the consideration of the above Decision and Direction of Election.

² *Consolidated Rendering Co., d/b/a Manchester Rendering Co.*, 91 NLRB 1257.

³ This is the same unit as was certified by the Board in November 1954.

Southeastern Greyhound Lines (Division of The Greyhound Corporation) and Division 1323, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, AFL-CIO, Petitioner. Case No. 9-RC-2665. April 26, 1956

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Alvin Schwartz, 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 Act.