

By June 1958 the Employer plans to employ at the Mentor plant a total of approximately 75 employees in more than 12 job classifications. Of the approximately 75 employees ultimately to be employed, approximately 25 employees in 5 job classifications would be in the unit named by the Petitioner.

The employees in the unit named by the Petitioner are all engaged primarily in fitting parts and assembling and installing equipment. The classification of repair mechanic and repair mechanic helper are catchall classifications. When the plant is in operation these classifications will be abandoned. Most of the employees in such classifications will be assigned a classification of either repair machinist or repair machinist helper. Others will be assigned to production classifications. The function of the repair machinist and the repair machinist helper will be to repair, and make adjustments to, looms and related equipment, and to service and maintain the plant as a whole.

As it appears that new job classifications are contemplated by the Employer, and as the present tasks of the employees currently employed appear to differ significantly from those which these employees may perform once the production stage is reached, we find that any unit determination affecting these employees is presently premature.² Accordingly, the petition herein is hereby dismissed without prejudice to the subsequent filing of another petition at a more appropriate time in the future.³

[The Board dismissed the petition.]

CHAIRMAN LEEDOM and MEMBER MURDOCK took no part in the consideration of the above Decision and Order.

² *A. O. Smith Corporation*, 97 NLRB 1570, 1572; and *Westinghouse Electric Corporation*, 85 NLRB 1519, 1522.

³ In view of our decision herein, we need not pass upon the Employer's other arguments urged in support of its motion to dismiss.

Supplee-Biddle-Steltz Company, Petitioner and Warehouse Employees Union, Local 169 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO. *Case No. 4-RM-201. August 7, 1956*

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

On May 17, 1956, pursuant to a stipulation for certification upon consent election, an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Fourth Region. Upon the conclusion of the balloting the parties were fur-

nished with copies of the tally of ballots which show that of approximately 142 eligible voters, 140 cast ballots, of which 59 were cast for the Union, 75 were against any labor organization, 4 were challenged, and 2 were void.

Thereafter the Union timely filed objections to conduct affecting the results of the election. On June 11, 1956, after conducting an investigation of the objections, the Regional Director issued his report on objections in which he found that the objections did not raise material and substantial issues with respect to conduct affecting the results of the election and recommended that the Board overrule the objections. The Union timely filed exceptions to the report on objections.

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.

3. A 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.

4. The following employees constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All warehouse employees of the Employer in Philadelphia, Pennsylvania, including city counter employees, but excluding city sales employees, night cleaning employees, guards, professional employees, and all supervisors as defined in the Act.

Objections

Objection 1: As a basis for its first objection the Union alleges that prior to the election the Employer promised eligible employees a wage increase if the Union lost the impending election and put into effect a wage increase the day following the election. The Regional Director found that no wage increases were made during the month in which the stipulation for election was signed and the election conducted. He found no evidence that wage increases made in prior months pursuant to company policy were coupled with threats or promises related to union membership or activity or the Union's success in the election. The Union has submitted no evidence in support of its exception to these findings. Accordingly, we find this objection to be without merit.

Objection 2: The Union alleges in its second objection that the Employer, orally and in writing, threatened to discontinue the business and to lay off employees if the Union won the election.

The Regional Director's investigation revealed that in a preelection letter the Employer asked employees to "[r]emember that a vote on May 17th in favor of the Union will be your invitation to further unemployment." This statement, however, must be read in context of the preceding sentence in which the Employer alleged that: "By voting for the union you are voting for more strikes not only at this Company, but you also may be called upon to perform picket duty at other places." Accordingly, while the Employer's statement is a prediction of unemployment, it is not, in the context in which it was made, a threat of economic reprisal.

The Union also contends that by the following statement in a second preelection letter to employees the Employer threatened to go out of business if the Union won the election:

The economic benefits promised to you by the Union and contained in their contract would exceed our operating expenses and thereby, eventually put us out of business.

In the letter as a whole the Employer sought to demonstrate that the Union could not secure for employees the economic benefits it had promised them to gain their support because these benefits exceeded the Employer's ability to pay. The above-quoted statement is merely a summarization of arguments to this effect presented in the letter. Neither the letter as a whole nor the above statement considered alone constitutes a threat that the Employer would visit economic reprisals upon the employees in the event the Union won the election.

The Regional Director found no evidence that any oral statements of management representatives to employees went beyond the above-considered statements. The Union excepts to this conclusion but offers no evidence in support of its exception. Accordingly, we find that the Union's second objection is without merit.

Having found the Union's objections to be without merit, we hereby overrule the objections to the election, as recommended by the Regional Director. As the Union failed to receive a majority of the valid ballots cast in the election, we shall certify the results of the election.

[The Board certified that a majority of the valid ballots was not cast for Warehouse Employees Union, Local 169, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, and that said organization is not the exclusive representative of the Employer's employees in the appropriate unit.]

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