

released by his foreman from work and reported to the Board representative for instructions concerning his duties at the polling place. He accompanied the Board representative around the plant to arrange for the release of other employees to vote, but there is no substantial evidence that he engaged in electioneering for the Union. Insofar as the record shows, his conduct as an observer at the polls was above reproach. The fact that he was paid the sum of \$14 as reimbursement for loss of wages that day should certainly not be held against either him or the Union, because it resulted from unwillingness on the part of his Employer to pay wages for the time he was so engaged. I find no evidence in the record tending to show that either the status or conduct of Diamond Watson disqualified him as an observer at the polls for the Union.¹⁰ There is no substantial evidence that his conduct pending the election or his conduct at the polls at any time interfered with, restrained, or coerced employees in expressing a free choice of their bargaining representative. Insofar as I can determine, the election was fairly and freely conducted, the secrecy of all ballots was maintained, and the results thereof duly certified.

[Recommendations omitted from publication.]

¹⁰ See *N. L. R. B. v. Huntsville Manufacturing Co.*, 203 F. 2d 430 (C. A. 5).

American Greetings Corp. and Printing Specialties and Paper Products Union No. 388, IPP & AU of NA, AFL-CIO, Petitioner and Independent Greeting Card Workers Union of California.
Case No. 21-RC-4236. November 19, 1956

DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a stipulation for certification upon consent election entered into by the parties on August 1, 1956, an election by secret ballot was conducted on August 10, 1956, under the direction and supervision of the Regional Director for the Twenty-first Region, among employees in the appropriate bargaining unit as set forth in said stipulation. Immediately following the election, a tally of ballots was served upon each of the parties, which showed that of approximately 38 eligible voters, 14 cast ballots for the Petitioner, 24 cast ballots for the Intervenor, no ballots were cast against the participating labor organizations, and there were no void or challenged ballots. A majority of the valid votes was cast for the Intervenor.

On August 16, 1956, Petitioner filed timely objections to conduct affecting the results of the election, copies of which were served on each of the other parties. The Regional Director investigated the objections and on September 21, 1956, issued his report on objections, in which he found that the objections were without merit and recommended that the objections be overruled. On October 5, 1956, the Petitioner filed exceptions to the Regional Director's report.

Upon the basis of the entire record in this case, the Board makes the following findings of fact:

1. The Employer is engaged in commerce within the meaning of the Act.

2. The labor organizations involved claim to represent certain employees of the Employer.

3. A question affecting commerce has arisen 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 parties stipulated and we find that 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:

All production and maintenance employees at the Employer's Los Angeles, California, plant, including but not limited to, order fillers, head checker—returned goods, checker—birthday orders, checkers, stock control girls, remount girls, holiday repackers, packers, stockmen, wrappers, shipping clerks, custodians, and truckdrivers, but excluding sales employees, office clerical employees, guards, watchmen, professional employees, temporary summer employees, leader—returned goods, shipping supervisor, holiday supervisor, order filling supervisor, and all other supervisory employees as defined in the Act.

Objections Nos. 1 and 5: These objections refer to certain bulletins of the Employer which were posted on the employees' bulletin board. The Petitioner contends specifically that certain statements in these documents concerning the analysis of its health and welfare fund were malicious untruths. In addition, it argues, in effect, that the Employer's assertion that it had "no intention of ever paying money into any insurance or welfare fund which can be looted by Union agents," constituted an anticipatory refusal to bargain concerning any insurance or welfare fund should the Petitioner be selected as the bargaining representative of the employees.

Like the Regional Director, we find, contrary to the Petitioner's contention, that these statements are protected expressions of opinion.¹ We further disagree with the Petitioner that the Employer's statements evidenced a predetermination not to bargain on the subject of a welfare fund if the Petitioner won the election. Accordingly, we shall overrule these objections.

Objection No. 2: The Petitioner alleges that on the day before the election, there was general talk around the plant that the Company would close down if the Petitioner won, and this information was given to employees by a supervisor.

The Regional Director's report shows that Petitioner did not furnish, and that the investigation did not disclose, any evidence in support of this objection. His investigation, however, disclosed that, at a meeting of employees which took place the day before the election, the personnel director addressed the employees and stated that these outsiders were accusing the Employer of planning to close the plant if the Peti-

¹ *The DeVilbiss Company*, 115 NLRB 1164.

tioner won. In this speech the personnel director disavowed any such intention. Accordingly, we shall overrule this objection.

Objection No. 3: Petitioner asserts that the Employer threatened to fire Alvarado, an active advocate of the Petitioner, if he continued to discuss the Union with other employees. However, it appears that about August 1, 1956, on complaint from employees, the Employer had threatened to discharge Alvarado, if he forced his unwanted attention upon female employees. In these circumstances, we find no merit in this objection.

Objection No. 4: The Petitioner contends that at a meeting on August 9, the Company's attorney took pictures of Alvarado "in an ostentatious manner so that all employees present were aware of this specific action directed against this known supporter of Petitioner." The Regional Director's investigation shows that the attorney took 4 or 5 exposures of the assembled group but that there was no ostentatious effort to single out Alvarado. The Petitioner urges that because the pictures were taken by an attorney, who, as a member of the legal profession is associated with trials and court proceedings, the employees were thereby coerced and intimidated. We find, contrary to the Petitioner's contention, that the foregoing conduct does not amount to restraint or coercion of employees as to warrant setting the election aside.

In view of the foregoing, we find that the Petitioner's objections and exceptions do not raise substantial and material issues with respect to the conduct of the election, and they are hereby overruled. As the Independent Greeting Card Workers Union of California has secured a majority of the valid votes cast we shall certify it as the bargaining representative of the employees in the appropriate unit.

[The Board certified the Independent Greeting Card Workers Union of California as the designated collective-bargaining representative of employees of the Employer in the unit herein found appropriate.]

Harvey Paper Products Company, Division of Kalamazoo Vegetable Parchment Company and International Printing Pressmen and Assistants' Union of North America, AFL-CIO, Petitioner. *Case No. 7-RC-3169. November 20, 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 Bernard Gottfried, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.