as a violation of public policy against employer coercion of employees' choice of a bargaining representative as embodied in a State statute very similar in wording to Sections 7 and 8 (a) (1) of the Act. The United States Supreme Court, relying on *Giboney*, upheld the injunction, stating at p. 540:

> Here, as in *Giboney*, the union was using its *economic power* with that of its allies to compel respondent to abide by union policy rather than by the declared policy of the State. *That State policy guarantees workers free choice of representatives for bargaining purposes. If respondent had complied with petitioners' demands and had signed one of the tendered contracts and lived up to its terms, he would have thereby coerced his employees. The employees would have had no free choice as to whether they wished to organize or what union would be their representative.* [Emphasis supplied.]

The Court, with reference to free speech, said at p. 537:

> But since picketing is more than speech and establishes a *locus in quo* that has far more potential for inducing action or nonaction than the message the pickets convey, this Court has not hesitated to uphold a State's restraint of acts and conduct which are an abuse of the right to picket rather than a means of peaceful and truthful publicity.

Upon the record as a whole, the Trial Examiner finds that the activities and conduct of Local 12, as epitomized above, even though it was in the form of picketing, was illegal restraint and coercion and hence violative of Section 8 (b) (1) (A) of the Act.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of the Respondent, set forth in section III, above, occurring in connection with the operations of Shepherd and Brown-Bevis, set forth in section I, above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States and such of them as have been found to constitute unfair labor practices tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

V. THE REMEDY

Having found that the Respondent has violated Section 8 (b) (1) (A), it will be recommended that it cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act.

Upon the basis of the foregoing findings of fact and upon the entire record in the case, the Trial Examiner makes the following:

CONCLUSIONS OF LAW

1. International Union of Operating Engineers, Local Union No. 12, AFL–CIO, is a labor organization within the meaning of Section 2 (5) of the Act
2. By picketing certain establishments of Shepherd and of Brown-Bevis for the purpose of coercing and restraining the employees of said employers, Respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (b) (1) (A) and Section 2 (6) and (7) of the Act.

[Recommendations omitted from publication.]

Riverside Manufacturing Company,[1] Petitioner *and* United Brotherhood of Carpenters and Joiners of America, AFL–CIO.

Case No. 32–RM–72. November 4, 1957

DECISION AND ORDER

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

[1] The name of the Employer appears as amended at the hearing.

officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Rodgers, Bean, and Jenkins].

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) and Section 2 (6) and (7) of the Act, for the following reason:

The Union was certified on August 17, 1956. The instant petition was filed on August 5, 1957, within the certificate year. Accordingly, for this reason alone, without regard to any of the contentions made by the Union, we shall dismiss the petition. *Centr-O-Cast & Engineering Company*, 100 NLRB 1507.

[The Board dismissed the petition.]

Aeroguild, Inc. *and* Local 212, International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, UAW-AFL-CIO, Petitioner. *Case No. 7-RC-3418. November 4, 1957*

DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a stipulation for certification upon consent election executed by the parties on February 26, 1957, an election by secret ballot was conducted on March 8, 1957, under the direction and supervision of the Regional Director for the Seventh Region among employees in the unit herein found appropriate. At the conclusion of the election, the parties were furnished a tally of ballots which showed that of approximately 48 eligible voters, 24 cast ballots for the Petitioner, 22 cast ballots against the Petitioner, and 2 cast challenged ballots.

As the challenged ballots were sufficient in number to affect the results of the election, the Regional Director caused an investigation to be conducted in accordance with the Rules and Regulations of the Board. On July 25, 1957, the Regional Director issued and served on the parties his report on challenged ballots in which he recommended that the challenge to the ballot of Raymond Carter be sustained and that the Petitioner be certified, as the remaining challenged