

If a majority of the employees in voting group C vote for the UAW, they will be taken to have indicated their desire to be added to the existing unit represented by the UAW, and the Regional Director conducting the election is instructed to issue a certification of results of election to the UAW. If a majority of the employees in voting group C vote for IBEW Local 1710, they will have indicated their desire to constitute a separate appropriate unit, which the Board in such circumstances finds to be appropriate for purposes of collective bargaining, and the Regional Director conducting the election is instructed to issue a certification of representatives to IBEW Local 1710 for a unit of such employees. If, on the other hand, a majority of the employees in voting group C vote for neither UAW nor IBEW Local 1710, they will be taken to have expressed their desire to remain unrepresented.

[Text of Direction of Elections omitted from publication.]

Quaker City Chocolate and Confectionery Company, Inc., Petitioner and Local 6, American Bakery & Confectionery Workers International Union, AFL-CIO¹ and Local 6, Bakery and Confectionery Workers International Union of America, and Bakery and Confectionery Workers International Union of America.² Case No. 4-RM-275. May 27, 1958

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 a hearing officer of the National Labor Relations Board. 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 National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Leedom and Members Rodgers 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 organizations named below claim to represent certain employees of the Employer.³

¹ Herein called Local 6-AB.

² Herein called Local 6-BW, and BW, respectively.

³ We find that Local 6-BW, which has a contract with the Employer and, as found below, is not defunct, is entitled to intervene. BW, which as Local 6-BW's parent is currently administering its affairs through a trustee, is also entitled to intervene. In the absence of stipulations, we find that Locals 6-BW and 6-AB are labor organizations.

3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.⁴

4. 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 employees at the Employer's Philadelphia, Pennsylvania, plant, excluding executives, office clericals, sales personnel, maintenance and repair employees, firemen, engineers, print shop employees, elevator employees, watchmen, foremen, foreladies, and all other supervisors as defined in the Act.⁵

[Text of Direction of Election omitted from publication.]

⁴ Local 6-BW and BW contend that the former's contract, which will not expire until December 31, 1958, is a bar. Local 6-AB contends that it is the successor to Local 6-BW and that no election is necessary. In the alternative Local 6-AB asserts that a schism exists in Local 6-BW removing the contract as a bar. On December 9, 1957, the AFL-CIO convention voted to expel BW effective December 12. The facts relating to the expulsion are set forth in *The Great Atlantic and Pacific Tea Co.*, 120 NLRB 656. On December 10, officials of Local 6-BW, an amalgamated local representing employees of many employers in the Philadelphia area, called a special executive board meeting at which it was voted unanimously, for reasons related to BW's expulsion from AFL-CIO, to disaffiliate from BW and to affiliate with the newly chartered American Bakery and Confectionery Workers International Union, AFL-CIO. Shortly thereafter, a petition was circulated and signed by about 3,300 of the approximately 4,000 membership whereby the action of the executive board meeting was endorsed. On December 17, BW appointed a special trustee to administer the affairs of Local 6-BW. Among other things, the special trustee instituted court proceedings to protect and obtain control of the assets of the Local and notified employers under contract with Local 6-BW, including the Employer, that he is ready, willing, and able to administer existing contracts. We find, upon the basis of the foregoing, that Local 6-BW is not defunct and that Local 6-AB is not its successor. However, for the reasons given in the *A and P* case, we find that a schism has occurred in Local 6-BW removing the contract as a bar herein.

⁵ The unit was stipulated.

Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 386, and General Teamsters Union, Local 431¹ and California Association of Employers. Case No. 20-CC-135. May 28, 1958

DECISION AND ORDER

On September 17, 1957, Trial Examiner William E. Spencer issued his Intermediate Report in the above-entitled proceeding, a copy of which is attached hereto, finding that the Respondents had not engaged in and were not engaging in unfair labor practices, and recommending that the complaint be dismissed in its entirety. Thereafter, the General Counsel and the Charging Party filed exceptions to the Intermediate Report and supporting briefs.

¹ The Board has been notified by the AFL-CIO that it deems the Teamsters' certificate of affiliation revoked by convention action. The identification of the two Respondent Locals is amended accordingly.