

representative of the Employer's lease and owner operators (otherwise known as contract drivers), in the unit found appropriate.]

MEMBERS RODGERS and JENKINS took no part in the consideration of the above Supplemental Decision and Certification of Representatives.

American Radiator & Standard Sanitary Corporation, Pacific Order Handling Division and Office Employees International Union, AFL-CIO, Petitioner. Case No. 20-RC-3361. June 6, 1958

SUPPLEMENTAL DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a Decision and Direction of Election issued by the Board on February 26, 1958,¹ an election by secret ballot was conducted on March 25, 1958, under the direction and supervision of the Regional Director for the Twentieth Region of the National Labor Relations Board among the employees in the unit found appropriate by the Board. The parties were furnished a tally of ballots which shows that of approximately 28 eligible voters, 15 cast ballots for, and 12 cast ballots against, the Petitioner.

Thereafter, the Employer filed timely objections to conduct affecting the results of the election and the Petitioner filed an answer to the Employer's objections. In accordance with the Rules and Regulations of the Board, the Regional Director caused an investigation of the objections to be made and, on April 9, 1958, issued and served on the parties his report on objections, in which he found that the objections did not raise substantial or material issues with respect to the election and recommended that the Board overrule the objections and certify the Petitioner. The Employer filed timely exceptions to the Regional Director's report and a brief in support of objections.

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 [Chairman Leedom and Members Bean and Jenkins].

The Employer's objections are based upon a statement² contained in a leaflet distributed to employees by the Petitioner on March 21, 1958. The Employer urges that this statement was so misleading as to prevent a free and untrammelled choice by the employees and that the employees were unable to evaluate it. The Regional Director

¹ 119 NLRB 1715.

² The statement referred to reads as follows: "By voting 'Yes' on Tuesday, March 25, 1958, YOU ARE GUARANTEED BY LAW that all rates of pay and other benefits in effect shall REMAIN IN full force and EFFECT plus all negotiated improvements."

found that the statement was not fully accurate as a matter of law, but regarded whatever misrepresentation there was as insubstantial and not of such a nature as to warrant invalidating the election.

It is clear that the statement merely expressed the legal opinion of the Petitioner and was devoid of any threats or other elements of intimidation or gross and deliberate misrepresentation peculiarly within the knowledge of the Petitioner. We therefore find that the statement was not of the type which interfered with the employee's free choice in the election. Accordingly, we hereby overrule the Employer's objection.³

As the Petitioner has received a majority of the valid votes cast in the election, we shall certify it as the collective-bargaining representative of the employees in the appropriate unit.

[The Board certified Office Employees International Union, AFL-CIO, as the designated collective-bargaining representative of the employees in the unit heretofore found appropriate.]

³ *Dartmouth Finishing Corporation*, 120 NLRB 262; *Lloyd A. Fry Roofing Company*, 119 NLRB 661.

Concrete Products, Inc. and United Brotherhood of Carpenters & Joiners of America, AFL-CIO, Petitioner. Case No. 10-RC-3817.
June 6, 1958

**SUPPLEMENTAL DECISION AND CERTIFICATION
OF REPRESENTATIVES**

Pursuant to a Decision and Direction of Election¹ issued June 20, 1957, an election by secret ballot was conducted on July 12, 1957, under the direction and supervision of the Regional Director for the Tenth Region among the employees in the unit found appropriate by the Board. Following the election, the parties were furnished with a tally of ballots. The tally showed that of approximately 90 voters, 82 cast ballots, of which 52 were for the Petitioner, 28 were against the Petitioner, 1 was void, and 1 was challenged.

On July 19, 1957, the Employer filed objections to conduct affecting the results of the election, alleging, in material part,² that its supervisors, without its knowledge, assisted the Petitioner in organizing its employees and in fraudulently securing its showing of interest; that its supervisors threatened and coerced employees to attend union meetings and generally support the Petitioner; and that such activity continued up to the time of the election. After an investigation, the

¹ Not published.

² The Employer also alleges that the Petitioner had improperly marked the Board's sample ballot. The Regional Director found no evidence to support this allegation, and the Employer did not except to the finding.