of the Regional Director and overrule the objections in their entirety. Accordingly, as the United Furniture Workers of America, AFL–CIO, has secured a majority of the valid votes cast, we shall certify them as the bargaining representative of the employees in the appropriate unit.

[The Board certified the United Furniture Workers of America, AFL–CIO, as the collective-bargaining representative of the employees of the Employer in the appropriate unit.]

Southern Press *and* Leslie G. Downey, Petitioner *and* Amalgamated Lithographers of America, AFL–CIO. *Case No 21–UD–45 September 29, 1958*

DECISION AND DIRECTION

On April 18, 1958, the Petitioner filed a petition under Section 9 (e) (1) of the National Labor Relations Act, seeking to rescind the union-shop authorization of the Union Thereafter, on May 9, 1958, the Acting Regional Director for the Twenty-first Region conducted an election among the employees in the certified bargaining unit at the Employer's Los Angeles, California, plant, to determine whether they desired to withdraw the authority of their bargaining representative to require, under its agreement with the Employer, that membership in the Union be a condition of employment Upon completion of the election, the Regional Director issued and served on the parties a tally of ballots The tally showed that of 21 eligible voters, 21 cast ballots, all of which were challenged by the Union

On May 13, 1958, the Union filed timely objections to the election The Regional Director conducted an investigation of the objections and the challenges, and on July 30, 1958, issued his report on objections and challenges, recommending that the Union's objections and all the challenges, except one, be overruled The Union filed timely exceptions to the Regional Director's report

Pursuant to Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers herein to a three-member panel [Members Bean, Jenkins, and Fanning]

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 certain employees of the Employer

3. The Petition in this case has been properly filed and complies in all respects with the provisions of Section 9 (e) (1) of the Amended Act.

4. All lithographic production employees at the Employer's plant in Los Angeles, California, including lithographic pressmen, platemakers, cameramen, feeders, and apprentices, who were in the employ of the Employer during the payroll period ending April 25, 1958, excluding letterpressmen, bindery employees, cutters, truckdrivers, shipping and receiving employees, office clerical employees, guards, watchmen, professional employees, and all supervisors as defined in the Act, constitute a unit appropriate for the purposes of an election under the provisions of Section 9 (e) of the Act.

5. *The objections:*

Objection No. 1: The Union contends that the petition should have been dismissed and the election held improper on the ground that it took place within 12 months of the previous election for the determination of a bargaining representative. We find no merit in this contention. The election in the instant proceeding was directed under Section 9 (e) and not 9 (c) of the Act. As no other election herein has been held among these employees pursuant to Section 9 (e), there was no violation of the Act.[1] We therefore adopt the Regional Director's recommendation to overrule this objection.

Objections 2 and 3: These objections are concerned with the status of Petitioner Downey, whose ballot was challenged on the ground that: (a) he was an office clerical or managerial employee and was therefore outside the collective-bargaining unit; (b) the election must be held invalid because of his alleged status; and finally, (c) the election was improper because the authorization cards in support of this petition were secured coercively from the employees on company time by the Petitioner who was accompanied in such solicitation by the Employer.

The investigation revealed that Downey was hired June 19, 1957, as a camera operator, a classification within the bargaining unit, and that he continued at that job until April 1, 1958, when the Employer decided to make certain electrical changes to increase the efficiency of the operations of the camera. During the period of change, Downey was advised that he would be temporarily transferred to clerical duties, which he performed until May 15, 1958, 5 days after the election. However, he did work on the camera at night and during some weekends. The Regional Director also found that Downey's clerical duties did not involve any exercise of supervisory authority. He therefore concluded that as Downey was only temporarily transferred outside the unit on the eligibility and election dates, he was eligible to vote.

[1] *Gilchrist Timber Company*, 76 NLRB 1233, 1234.

On the question of unlawful participation by the Employer in the solicitation process, the Regional Director found that the Union had failed to present any evidence in support of this allegation and that the investigation failed to reveal any act of coercion. On the contrary, the Regional Director found that the Petitioner had secured all the signatures on his own time and that of the employees, with one exception. This one signature, although secured on company time, was not obtained with the approval of management.

In its exceptions, the Union states that it has available evidence in support of the above challenge and objections,[2] and therefore requests the Board to direct a hearing to resolve these issues of fact. The Union however, alleges no facts in support of its exceptions. The Board has consistently held that a party filing objections to an election is obligated to furnish evidence in support of such objections. Furthermore when, after investigation, exceptions are filed to the Regional Director's report on objections, the Board has held that it will overrule such objections unless the exceptions advert to specific, substantial evidence controverting the Regional Director's conclusions.[3] As the exceptions here do no more than reiterate the claims in the objections and advert to no further allegations of fact in support of the exceptions, we adopt the Regional Director's recommendations that the challenge to Downey's ballot and the objections relating thereto be overruled.[4]

Objection No. 4: The Union further contends that the election was invalid because the petition was filed in April 1958, before the effective date of the contract. The investigation showed that the parties entered into a contract, containing a union security clause, in March 1958, which was to become effective May 1, 1958. This petition was filed April 18, 1958, 2 weeks prior to the effective date. We agree with the opinion of Regional Director that the fact that the effective date of the union-security clause was subsequent to the filing of the petition is immaterial, and we therefore adopt his recommendation that this objection be overruled.

We find that the Union's objections and exceptions do not raise substantial and material issues with respect to the conduct or results of the election, and they are hereby overruled.

6. *The challenges:* [5]

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[2] The Union makes the same statement with respect to the challenges to the ballots of William Root and Richard Ewing, Jr., discussed, *infra.*

[3] See *Adler Metal Products,* 114 NLRB 170, and cases cited therein.

[4] *Graphic Arts Finishers, Inc.,* 118 NLRB 852.

[5] On advice of its counsel, the Union challenged the ballots of each and every voter on the ground that the Regional Director had improperly directed the election. As these challenges also involve objections to the election, we have treated the issue under the objections, *supra.*

In addition to challenging the ballot of Leslie G. Downey, discussed above, the Union also specifically challenged the ballots of William Root and Richard Ewing, Jr.

The ballot of William Root was challenged on the ground that he was a supervisor. The Regional Director's report found that his challenge was made for the first time in the Union's objections and was therefore in the nature of a postelection challenge. As it is well established that challenges to voters may not be raised after an election, we adopt the Regional Director's recommendation to overrule this challenge.[6]

The ballot of Richard Ewing, Jr., was challenged because he was the son of the sole owner of Southern Press and was therefore "not a member of the bargaining unit." The Regional Director recommended that this challenge be sustained upon the ground that Section 2 (3) of the Act excludes any individual employed by his parent from the definition of employee. We adopt the Regional Director's recommendation.

In view of the above, we find that the challenges to the ballots of William Root and Leslie G. Downey and to the remaining ballots cast in the election be overruled and that all such ballots be opened and counted except that of Richard Ewing, Jr., which challenge is sustained.

[The Board directed that the Regional Director for the Twenty-first Region shall, within ten (10) days from the date of this Direction, open and count the ballots of Louis Bass, Willard Bass, Ray Barnett, Ray Eugene Barnett, Joseph Bosante, Leslie G. Downey, Roy M. Ewing, Vincent A. Ferrucio, Richard Grady, Charlotte Hensher, Joan Johnson, James B. Mercer, Salvador Mills, Joseph Novotny, William Root, Martin Simanick, Rueben Valencia, William Veronin, Robert S. Wolgin and Thomas Faulkner, and serve upon the parties a supplemental tally of ballots.]

[6] *The Babcock & Wilcox Company,* 118 NLRB 944, 945.

Quaker State Oil Refining Corporation, Petitioner *and* Oil, Chemical and Atomic Workers International Union, AFL–CIO. *Case No. 9–RM–171. September 29, 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 Harry David Camp,