It having been further found that the Union violated Section 8(b)(2) and (1)(A) of the Act by threatening to enforce provisions of its constitution or bylaws in such a way as to condition employment on the payment of sums equivalent to assessments or fines for nonpayment of periodic dues, and to condition employment on the payment of a reinstatement fee predicated upon a prehire arrearage, it will be recommended, among other things, that the Union cease and desist from engaging in this conduct.

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. Local 600, Highway & City Freight Drivers, Dockmen & Helpers, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, is a labor organization within the meaning of the Act.
2. The Union has engaged in and is engaging in unfair labor practices within the meaning of Section 8(b)(1)(A) and (2) of the Act.
3. The Company has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a)(1) and (a)(3) of the Act.
4. The aforesaid unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

[Recommendations omitted from publication.]

Illinois Farm Supply Company *and* Francis J. Evanchik, Petitioner. *Case No. 13–RD–370. March 5, 1959*

DECISION AND DIRECTION OF ELECTION

Upon a decertification petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Richard B. Simon, 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 [Chairman Leedom and Members Bean and Fanning].

Upon the entire record in this case, the Board finds:

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

2. The Petitioner, an employee of the Employer, asserts that the International Association of Machinists, AFL–CIO, and the American Federation of Grain Millers, AFL–CIO, which were certified by the Board on November 19, 1957, as the joint representative of the Employer's employees, are no longer such representative.[1]

3. A question affecting commerce exists 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.

American Federation of Grain Millers, AFL–CIO (hereinafter called Grain Millers), and International Association of Machinists, AFL–CIO (hereinafter called IAM), were jointly certified Novem-

[1] District 50, United Mine Workers of America, intervened at the hearing on the basis of a card showing.

ber 19, 1957, as the representative of the Employer's production and maintenance employees. On December 12, 1958, the instant petition for decertification was filed with the Board. IAM did not appear at the hearing on the petition, but 2 days after the hearing it filed a written statement with the hearing officer, disclaiming any interest in representing the employees. However, the Grain Millers stated at the hearing that it desires to represent all the employees in the stipulated unit, whether or not IAM participates in the election.

Under these circumstances, we will not place IAM on the ballot as it has effectively disclaimed. However, we will place Grain Millers and District 50 on the ballot.[2]

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 production, maintenance, and warehouse employees at the Employer's Springfield, Illinois, feed plant, but excluding office clerical employees, professional employees, truckdrivers, laboratory technicians, watchmen, guards, and supervisors as defined in the Act.[3]

[Text of Direction of Election omitted from publication.]

[2] As District 50 is not in compliance with Section 9(f), (g), and (h) of the Act, we shall merely certify the arithemetical results should it win the election unless prior to the date when certification would issue it has achieved compliance, in which case the Regional Director is instructed to issue a certification of representative to District 50.

[3] The unit is the same as that previously certified by the Board.

Wonderknit Corporation *and* Virginia Textile Workers Union, Independent, Petitioner. *Case No. 5–RC–2593. March 5, 1959*

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 Louis B. Wallerstein, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.[1]

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 Fanning].

[1] At the hearing, the Employer requested the Board and the Petitioner to produce evidence of the Petitioner's compliance with Section 9(f), (g), and (h) of the Act. The hearing officer and the Petitioner refused to comply with the request to dismiss the petition because of the absence of any evidence at the hearing that the Petitioner had complied. However, any matters relating to the determination of the adequacy of compliance with Section 9(f), (g), and (h) are questions for administrative determination and are not cognizable in this proceeding. We are presently administratively satisfied that the Petitioner is in compliance. The Employer's motion to dismiss the petition is, therefore, denied. See *Desaulniers and Company,* 115 NLRB 1025, and *Standard Cigar Company,* 117 NLRB 852.