

Marmac Company, Inc. and United Rubber, Cork, Linoleum & Plastic Workers of America, AFL-CIO, Petitioner. *Case No. 24-RC-1133. March 19, 1959*

DECISION AND DIRECTION

Pursuant to a stipulation and certification upon consent election executed on December 10, 1958, an election by secret ballot was conducted on December 11, 1958, under the direction and supervision of the Regional Director for the Twenty-fourth Region, among the employees in the agreed appropriate unit. Following the election, the Regional Director served upon the parties a tally of ballots which showed that of approximately 254 eligible employees 238 cast ballots, of which 114 were for the Petitioner, 113 were against the Petitioner, 1 was void, and 11 were challenged. Thereafter, the Employer timely filed objections to conduct affecting the election.

As the challenged ballots were sufficient in number to affect the results of the election, the Regional Director conducted an investigation and on February 12, 1959, issued and served upon the parties his report on objections and challenged ballots in which he found that the objections do not raise substantial and material issues affecting the results of the election and recommended that the objections be overruled. He further recommended that the challenges to the ballots of Maria Cortes, Petrita Guadalupe Ortiz, Rose Urbina Ramos, Isabelita Melendez, Isabel Rodriguez Alier, Carmen Maria Alayon, Aida Luz Rivera Roman, and Adalberto Borgos be sustained, and that the challenges to the ballots of Manuel R. Villamil, Julia Garcia de Ruiz, and Nicolas Damiani be overruled. On February 20, 1959, the Employer filed exceptions to the Regional Director's report with respect to the objections. However, no exceptions were filed to the Regional Director's report with respect to the challenged ballots.

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 Fanning].

Upon consideration of the Regional Director's report, the exceptions, and the applicable portions of 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 Petitioner is a labor organization claiming to represent certain employees of the Employer.
3. A question affecting commerce exists concerning the representation of the employees of the Employer within the meaning of Section 9(c) (1) and Section 2(6) and (7) of the Act.

4. In agreement with the stipulation of the parties, we find that 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 and maintenance employees at the Employer's Santurce, Puerto Rico, plant, excluding all office clerical employees, professional employees, executive and administrative personnel, guards, and supervisors as defined in the Act.

In the absence of any exceptions to the Regional Director's report on challenged ballots, and in accord with his recommendations, we hereby overrule the challenges to the ballots of Manuel R. Villamil, Julia Garcia de Ruiz, and Nicolas Damiani, and sustain the challenges to the remaining eight ballots. As the three challenged ballots, which have been overruled, are sufficient in number to determine the results of the election, we shall direct that these three ballots immediately be opened and counted. If, after the ballots are opened and counted, the Petitioner shall have received a majority of the valid ballots cast, we shall, at that time, consider and determine the merits of the Employer's objection to the election and its exceptions to the Regional Director's report.

[The Board directed that the Regional Director for the Twenty-fourth Region shall, within 10 days from the date of this Direction, open and count the ballots of Manuel R. Villamil, Julia Garcia de Ruiz, and Nicolas Damiani, and thereafter upon the parties a revised tally of ballots. If the Petitioner receives a majority of the valid votes cast, the Board shall then consider the objections to conduct affecting the results of the election; if the Petitioner does not receive a majority of the valid votes the Regional Director shall issue a certification of results of election.]

Paxton Wholesale Grocery Company and Amalgamated Meat Cutters Union, Local 398, AFL-CIO, Petitioner. *Cases Nos. 13-RC-6335 through 13-RC-6344. March 20, 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 William Boetticher, 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].