

**Wilson & Toomer Fertilizer Company and International Chemical Workers Union, AFL-CIO, Petitioner.** *Case No. 12-RC-384.*  
*March 25, 1959*

SUPPLEMENTAL DECISION AND CERTIFICATION  
OF REPRESENTATIVES

Pursuant to a Board Decision and Direction of Election<sup>1</sup> issued on December 19, 1958, an election by secret ballot was conducted on January 15, 1959, under the direction and supervision of the Regional Director for the Twelfth Region of the National Labor Relations Board among the employees in the unit therein found appropriate. Following the election, the parties were furnished a tally of ballots which showed that of approximately 151 eligible voters, 126 cast ballots for the Petitioner, and 21 cast ballots against the Petitioner. Seven ballots were challenged, a number insufficient to affect the results of the election. No void ballots were cast.

On January 20, 1959, the Employer filed timely objections to the election, consisting of two objections. Pursuant to the Board's Rules and Regulations, the Regional Director investigated the objections and on February 3, 1959, issued and duly served upon the parties his report on objections. In his report the Regional Director recommended that the objections be overruled, and the Petitioner certified as the representative of the employees in the unit formed appropriate by the Board. On February 11, 1958, the Employer filed timely exceptions to the Regional Director's report on 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 [Members Rodgers, Bean, and Fanning].

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

As the appropriateness of the unit was fully litigated and considered by the Board we do not deem it necessary to reconsider it and, in agreement with the Regional Director's recommendation, we shall overrule the Employer's first objection.

As the alleged threatening letters were received by employees prior to the date of Board's Decision and Direction of Election herein, in accord with Board policy the parties are estopped from protesting such conduct in this postelection proceeding.<sup>2</sup> Accordingly, in agreement with the Regional Director's recommendation, we shall overrule the Employer's second objection.

<sup>1</sup> Unpublished.

<sup>2</sup> *The Great Atlantic and Pacific Tea Company*, 101 NLRB 1118; and *F. W. Woolworth Co.*, 109 NLRB 1446.

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

[The Board certified International Chemical Workers Union, AFL-CIO, as the designated collective-bargaining representative of the employees in the appropriate unit which includes all production and maintenance employees at the Employer's Jacksonville, Florida, Wilson & Toomer Fertilizer plant, excluding all production and maintenance employees of Florida Agricultural Supply Company, office clerical employees, technical and professional employees, all management employees, guards, and supervisors as defined in the Act.]

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**Bludworth Construction Company, Inc. and Seafarers' International Union of North America, Atlantic and Gulf District, Harbor and Inland Waterways Division, AFL-CIO. Case No. 39-CA-682. March 26, 1959**

#### DECISION AND ORDER

On June 16, 1958, Trial Examiner Reeves R. Hilton issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair-labor practices, and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. The Trial Examiner also found that the Respondent had not engaged in certain other unfair-labor practices as alleged in the complaint and recommended that these allegations of the complaint be dismissed. Thereafter, the Respondent filed exceptions to the Intermediate Report and a supporting brief.

The Board has reviewed the rulings made by the Trial Examiner at the hearing and finds that no prejudicial error was committed. The rulings, except as noted hereinafter, are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and brief, and the entire record in this case, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner, only to the extent consistent with our decision herein.

1. The Trial Examiner found that the Respondent violated Section 8(a) (1) of the Act by, *inter alia*, (a) interrogating Collier concerning his union activities, and (b) urging him to quit if he were dis-