

Yale Manufacturing Company, Inc. and Local 3126, United Brotherhood of Carpenters and Joiners of America, AFL-CIO, Petitioner. Case No. 1-AC-3. March 10, 1966

DECISION AND ORDER

On April 1, 1964, a representation election was conducted among the employees of the Employer in an appropriate unit.¹ Disposition of challenges to certain ballots determinative of the election had to await the resolution of unfair labor practice proceedings.² On July 28, 1965, Local 3127, United Brotherhood of Carpenters and Joiners of America, AFL-CIO, herein called Local 3127, was certified as the representative of the employees of the Employer.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Chairman McCulloch and Members Jenkins and Zagoria].

On September 9, 1965, Local 3126, United Brotherhood of Carpenters and Joiners of America, AFL-CIO, herein called Local 3126, filed the instant request to amend the certification mentioned above so as to designate itself in place of Local 3127 as the certified representative of the Employer's employees. The Employer opposed the granting of the amendment on the ground, *inter alia*, that its employees had not authorized the change in their bargaining representative. The Regional Director initially granted the petition herein on September 30, 1965, without a hearing. The Employer thereupon filed a request for review and the Regional Director, treating this as a motion for reconsideration, on November 4, 1965, revoked the amendment to the certification and ordered that a hearing be held. A hearing was held on November 17 at Boston, Massachusetts, before Hearing Officer Paul F. Dwyer. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

Local 3127 is a New York local which in January 1964 began an organizational campaign among the employees of a number of employers in the Boston area. As previously stated, Local 3127 was certified in July 1965 as the representative of the employees of the Employer upon the basis of an election conducted in April 1964. On March 15, 1964, Local 3126 was chartered with jurisdiction for the Boston area. On June 15, 1964, Local 3127 held a meeting to which were invited the employees of the employers that had been organized

¹ Case No. 1-RC-7721.

² Case No. 1-CA-4475, 150 NLRB 1102.

in the Boston area. The purpose of the meeting was both to transfer bargaining rights for Boston area employers from Local 3127 to Local 3126 and to elect officers of Local 3126. Employees of the Employer that attended this meeting were not allowed to vote on these matters on the ground that they were not yet members of Local 3127 and therefore not entitled to vote at a Local 3127 meeting. Employees of other local employers were permitted to vote, and the record suggests that this was because their employers had already entered into contracts with Local 3127 containing union-security provisions and the employees were all members of Local 3127. No bargaining had taken place between the Employer and Local 3127, and presumably the employees in the certified union had not yet been required or permitted to join the Union. The union members at this meeting voted to transfer the bargaining rights to Local 3126 and then elected officers for Local 3126.

The record before us demonstrates that the Employer's employees were not permitted to participate in the decision to substitute Local 3126 as their certified representative. In such circumstances we do not consider the proposed amendment appropriate.³

[The Board denied the petition filed by Local 3126, United Brotherhood of Carpenters and Joiners of America, AFL-CIO.]⁴

³ *Gulf Oil Corporation*, 135 NLRB 184. Cf. *Ultax Molybdenum Company*, 146 NLRB 508.

⁴ The instant petition is dismissed without prejudice to another request to have the certification amended upon a showing that the proposed amendment reflects the desires of the employees in the certified unit.

Lyn-Flex Industries, Inc. and United Shoe Workers of America, AFL-CIO. *Cases Nos. 1-CA-4966, and 1-RC-8286. March 10, 1966*

DECISION, ORDER, AND DIRECTION OF SECOND ELECTION

On October 12, 1965, Trial Examiner Arthur E. Reyman issued his Decision and on October 18, 1965, an errata thereto in the above-entitled proceeding, finding that Respondent had engaged in and was engaging in certain unfair labor practices within the meaning of the National Labor Relations Act, as amended, and recommending that it cease and desist therefrom and take certain affirmative action, and further recommending that the election held on April 6, 1965, in Case No. 1-RC-8286 be set aside and a new election directed, as set forth in the attached Trial Examiner's Decision. Thereafter, the Respond-

157 NLRB No. 51.