

International Union, AFL-CIO, or other labor organization of our employees, by discharging, laying off, suspending, or failing to reinstate or rehire, or threatening to do so, any employee, or by otherwise discriminating or threatening to discriminate against any employee in regard to hire or tenure of employment or any term or condition of employment, because he has joined a union or engaged in lawful organizational activity or exercised any other right guaranteed by the National Labor Relations Act, as amended.

WE WILL NOT in any other manner interfere with, restrain, or coerce employees in the exercise of their rights guaranteed to them by Congress, to self-organization, to form labor organizations, to join or assist any labor organizations to bargain collectively through representatives of their own choosing, to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection; or to refrain from engaging in any or all such activities.

All our employees are free to become, remain, or refrain from becoming or remaining, members of United Automobile, Aerospace and Agricultural Implement Workers (UAW), International Union, AFL-CIO, or any other labor organization.

TRAILMOBILE DIVISION, PULLMAN INCORPORATED,
Employer.

Dated _____ By _____
(Representative) (Title)

NOTE.—Notify the above employee if presently serving in the Armed Forces of the United States of his right to full reinstatement upon application in accordance with the Selective Service Act and the Universal Military Training and Service Act, as amended, after discharge from the Armed Forces.

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

If employees have any question concerning this notice or compliance with its provisions, they may communicate directly with the Board's Regional Office, Sixth Floor, Meacham Building, 110 West Fifth Street, Fort Worth, Texas 76102, Telephone 335-4211, Extension 2145.

Westinghouse Electric Corporation and Local Lodge No. 1712, International Association of Machinists and Aerospace Workers, AFL-CIO, Petitioner and Local Union No. 449, International Brotherhood of Electrical Workers, AFL-CIO, Intervenor. Case 19-RC-3907. September 27, 1966

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Stipulation for Certification upon Consent Election approved May 12, 1966, an election was conducted by secret ballot on May 25 and 26, 1966, under the direction and supervision of the Regional Director for Region 19, among the employees in the unit described below. After the election the parties were furnished with a tally of ballots which showed that 181 votes were cast, of which 69 were for Petitioner, 13 were for Intervenor, 90 were against participating labor organizations, and 9 ballots were challenged. The challenged ballots were sufficient in number to affect the results of the election. No objections to the conduct of the election were filed.

In accordance with National Labor Relations Board Rules and Regulations, Series 8, as amended, the Regional Director conducted an investigation of the challenges, and, on June 21, 1966, issued and served on the parties his Report on Challenged Ballots in which he recommended that the challenges to the nine ballots be overruled and the ballots be opened and counted.

On July 18, 1966, the Employer filed timely exceptions, with supporting brief, to the Regional Director's report. On July 18, 1966, the Petitioner filed a brief in support of the Regional Director's report.

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 Fanning and Jenkins].

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

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

2. The labor organizations involved claim to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Sections 9(c) (1) and 2(6) and (7) of the Act.

4. The parties stipulated, and we find, that all technical employees employed by the Employer at its Naval Reactor Facility near Arco, Idaho, including planning and production coordinators, draftsmen, and photographers, but excluding office clerical employees, radiation surveyors, guards and watchmen, and supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

5. The Board has considered the Regional Director's report, the exceptions, and the briefs, and makes the following findings:

The Regional Director found that the nine employees whose ballots were challenged had a community of interest with the employees of the technical unit described above and therefore recommended that the challenges to their ballots be overruled. He did not make a finding that any of these nine employees were technicians; rather, he found that six of them were plant-clerical employees, and that the remaining three performed work allied to that of the technicians, but not requiring the same educational background or involving the actual handling of radioactive fuel.

We find, as did the Regional Director, that none of the nine employees whose ballots were challenged were technicians. The stipulation provided for a unit of technicians only; doubtful job classifications that the parties desired to include in the unit were specifically

included. In reading the language of the stipulation, we find that it was the clear intention of the parties to include only those employees specifically designated therein, and to exclude all others. The unit established by the parties does not violate any clearly established Board policy and where there are no such competing interests the primary question is what the parties intended. Therefore, we reject the Regional Director's recommendation and sustain the challenges to the nine ballots here in issue.

Accordingly, as the tally of ballots shows that the participating labor organizations have not obtained a majority of the valid votes cast, we shall certify the results of the election.

[The Board certified that a majority of the valid votes was not cast for the participating labor organizations, Local Lodge No. 1712, International Association of Machinists and Aerospace Workers, AFL-CIO, and Local Union No. 449, International Brotherhood of Electrical Workers, AFL-CIO, and that neither of said labor organizations is the exclusive representative of the employees in the unit found appropriate.]

Ore-Ida Foods, Inc. and Joint Council of Teamsters No. 37, Affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Independent, Petitioner¹ and Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO, Petitioner.²
Cases 36-RC-2090 and 2092. September 27, 1966

DECISION ON REVIEW, ORDER, AND DIRECTION OF SECOND ELECTIONS

Pursuant to a Decision and Direction of Elections issued by the Regional Director for Region 19 on December 16, 1965, elections by secret ballot were conducted on February 2, 1966, under his direction and supervision, in voting groups (1) and (2), comprising, respectively, maintenance employees and production employees at the Employer's Ontario, Oregon, food processing operations. Upon the conclusion of the balloting, the parties were furnished with tallies of ballots which showed that, in voting group (1), of approximately 78 eligible voters, 75 cast ballots, of which 42 were for the Teamsters, 6 were for the Meat Cutters, 26 were against the participating labor

¹ Referred to herein as the Teamsters.

² Referred to herein as the Meat Cutters.