

Pan American World Airways Inc.¹ and Le Roy E. Hollenbeck, Petitioner, and Office and Professional Employers International Union, Local 445, AFL-CIO. Case 31-RD-118

January 25, 1971

DECISION AND DIRECTION OF ELECTION

BY CHAIRMAN MILLER AND MEMBERS FANNING,
BROWN, AND JENKINS

Upon a petition duly filed under Section 9(b) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Roy H. Garner of the National Labor Relations Board on October 29, 1970, at Las Vegas, Nevada, at which all parties appeared.² Following the close of the hearing, and pursuant to Section 102.67 of National Labor Relations Board Rules and Regulations, the Regional Director for Region 31 ordered the case transferred to and continued before the Board for decision. Thereafter only the Union filed a brief.

The Board has reviewed the rulings of the Hearing Officer made at the hearing, and finds that they are free from prejudicial error. The rulings are hereby affirmed.

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

1. The Employer is engaged in commerce within the meaning of the Act.³
2. The Petitioner, an employee of the Employer, asserts that the Union, a labor organization, is no longer the representative of the employees as defined in Section 9(a) of the Act.
3. The Union's predecessor was certified as the statutory representative of the employees here involved on June 25, 1964 (Case 20-RC-5939), following a consent election.

On November 17, 1967, the Employer and the Union's predecessor executed a collective-bargaining agreement for an initial term extending to November 13, 1970.

On August 28, 1970, the petition in this case was timely filed.

The Union nevertheless argues that no question concerning representation exists, and the petition should be dismissed. The Union's position rests principally on the ground that the Petitioner misled the employees into supporting the petition by holding out the prospect of a big wage increase if they would decertify the Union and support Teamsters. We note, however, that Teamsters withdrew from the case subsequent to the hearing, does not seek to be on the ballot, and will be precluded by Section 9(c)(3) from obtaining an election for a 12-month period after the election herein directed. We accordingly find no merit in the Union's position.

As the Union claims to represent the employees in the unit found appropriate below, we find that 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.

4. In accordance with a stipulation of the parties, we find that all office clerical employees of the Employer at its operations at the Nuclear Rocket Development Station, Jackass Flats, Nevada, and Las Vegas, Nevada, including duplicating machine operators, electronic accounting machine operators, computer operators, and draftsmen, but excluding all other employees, confidential employees, guards 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.

[Direction of Election ⁴ omitted from publication.]

⁴In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear Inc.*, 156 NLRB 1236, *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759. Accordingly, it is hereby directed that an election eligibility list, containing the names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 31 within 7 days of the date of this Decision and Direction of Election. The Regional Director shall make the list available to all parties to the election. No extension of time to file this list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

¹ As corrected at the hearing.

² General Sales Drivers, Delivery Drivers & Helpers No. 14, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, herein called Teamsters, intervened at the hearing, but subsequently advised the Board in writing that it withdrew from the case.

³ The Regional Director transferred this matter to us for decision in order that we might rule on the question of whether we have statutory jurisdiction, although this issue was not raised by the parties. We believe that question was answered in the affirmative by the Court of Appeals for the Ninth Circuit in *Pan American World Airways, Inc. v. United Brotherhood of Carpenters, etc.*, 324 F.2d 217, cert. denied 376 U.S. 964, and we accept that court's finding.