

Anaconda Aluminum Company and Aluminum Workers International Union, AFL-CIO, Petitioner. Case 25-RC-5262

September 28, 1973

DECISION AND CERTIFICATION OF REPRESENTATIVE

BY CHAIRMAN MILLER AND MEMBERS FANNING AND PENELLO

Pursuant to a Stipulation for Certification Upon Consent Election, a secret ballot election was conducted among the employees in the stipulated unit described below. The tally of ballots furnished the parties showed that of approximately 200 eligible voters, 197 cast valid ballots, of which 104 were for Petitioner, 90 were for Intervenor,¹ and none against the participating labor organizations. There were three challenged ballots, which were insufficient to affect the results. Thereafter, the Intervenor filed timely objections to conduct affecting the results of the election.

On June 29, 1973, the Regional Director issued and served on the parties his Report and Recommendations on Objections, recommending that the objections be overruled in their entirety and Petitioner be certified as the exclusive collective-bargaining representative in the stipulated unit. Thereafter, the Intervenor filed timely exceptions to the Regional Director's report and a supporting brief, and the Petitioner filed a reply brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Upon the entire record in this proceeding, 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.

¹ Chauffeurs, Teamsters and Helpers Local Union No. 215, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America

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

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

4. The parties stipulated and we find that the following employees constitute an appropriate unit for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All hourly rated production and maintenance employees of the Employer at its Sebree Reduction Division, Sebree, Kentucky: BUT EXCLUDING all office clerical employees and plant clerical employees, all professional employees, guards and supervisors as defined by the Act.

5. The Board has considered the objections, the Regional Director's report, the Intervenor's exceptions and brief, and the Petitioner's reply brief, and hereby adopts the Regional Director's findings, conclusions, and recommendations.²

As the Petitioner has received a majority of the valid ballots cast, we shall certify it as the exclusive bargaining representative of the employees in the unit found appropriate.

CERTIFICATION OF REPRESENTATIVE

It is hereby certified that a majority of the valid ballots have been cast for Aluminum Workers International Union, AFL-CIO, and that, pursuant to Section 9(a) of the Act, the said labor organization is the exclusive representative of all the employees in the unit found appropriate herein for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

² Chairman Miller concurs with the disposition of the issue involving allegations of threats of loss of jobs to employees who did not support the Petitioner in the election. He believes that such allegations may in certain circumstances provide grounds for setting aside an election, as noted in his dissent in this regard in *Janler Plastic Mold Corporation*, 186 NLRB 540. But here the threats were alleged to have been made to only 3 out of 200 employees and, more significantly, apparently were not communicated to others in the voting group. The Chairman therefore concurs with his colleagues that the atmosphere in which the election was conducted could not have been so tainted as to have affected the free choice of the employees