

**B. F. Goodrich Tire Company, a Division of the B. F. Goodrich Company and Chauffeurs, Teamsters, Warehousemen and Helpers Local Union No. 414, a/w International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Petitioner.** Case 25-RC-5467

April 8, 1974

DECISION AND CERTIFICATION OF REPRESENTATIVE

BY CHAIRMAN MILLER AND MEMBERS  
FANNING AND JENKINS

Pursuant to a Stipulation for Certification Upon Consent Election executed by the parties on September 19, 1973, an election by secret ballot was conducted on November 1, 1973, under the direction and supervision of the Regional Director for Region 25. At the conclusion of the election, the parties were furnished a tally of ballots which showed that of approximately 34 eligible voters, 33 cast ballots, of which 18 were for the Petitioner, none was for the Intervenor,<sup>1</sup> and 15 ballots were cast against any participating labor organizations. There were no void or challenged ballots. Thereafter, the Employer filed timely objections to conduct affecting the results of the election.

In accordance with the National Labor Relations Board Rules and Regulations, the Regional Director conducted an investigation, and thereafter, on November 27, 1973, issued and duly served on the parties his Report on Objections, in which he recommended that the sole objection be overruled and that a Certification of Representative be issued. Thereafter, the Employer filed timely exceptions to the Regional Director's report, together with supporting briefs.

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 the 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 Union is a labor organization claiming to represent certain employees of the Employer.
3. A question affecting commerce exists concerning representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

<sup>1</sup> United Rubber, Cork, Linoleum and Plastic Workers of America, AFL-CIO

<sup>2</sup> 414 U.S. 270 (1973).

<sup>3</sup> 163 NLRB 1019.

4. The parties have agreed, 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 quality control men, draftsmen, tire construction technicians, senior lab technicians, and lab technicians employed by the Employer at its plant at U.S. Highway 24 East, Woodburn, Indiana; BUT EXCLUDING all senior production technicians, all senior quality control men, all office clerical employees, all guards, all professional employees, and supervisors as defined in the Act, and all other employees.

5. The Board has considered the Regional Director's report, the Employer's exceptions together with briefs, and the entire record in this case and hereby adopts the Regional Director's findings, conclusions, and recommendations for the reasons set forth below.

In the briefs filed in support of its exceptions to the Regional Director's report, the Employer asks us to consider its exceptions in light of the recent Supreme Court decision in *N.L.R.B. v. Savair Mfg. Co.*<sup>2</sup> The Regional Director based his recommendations on our *DIT-MCO, Inc.*<sup>3</sup> decision which was overturned by the Supreme Court in *Savair*.

In the instant case the Employer objected to certain conduct by the Petitioner which it felt interfered with the employees' free choice in the election. In his investigation, the Regional Director found that the Petitioner had told the employees that after the election they would be permitted to join the Union for a fee of \$10 instead of the standard \$50 initiation fee. The Petitioner's secretary-treasurer admitted that he had told the employees they could join at this reduced rate, as it was the Union's standard practice to accept new groups of employees at the lower rate.

We see nothing in the Petitioner's conduct which is objectionable under *Savair, supra*. The practice of offering special reduced rates during an organizational campaign has long been one of the Union's traditional methods of enhancing its appeal to employees. We have never found such conduct to be objectionable where, as here, it was an unconditional offer not dependent upon how an employee voted.<sup>4</sup> Neither do we feel that this position is affected by the Supreme Court in *Savair*. In forbidding the union offer of reduction or elimination of initiation fees on condition the employee sign an authorization card prior to the election, the Supreme Court denied

<sup>4</sup> *Weyerhaeuser Company*, 146 NLRB 1; *Gilmore Industries, Inc.*, 140 NLRB 100; *The Gruen Watch Company, The Gruen National Watch Case Company*, 108 NLRB 610

unions the right to "buy endorsements and paint a false portrait of employee support during its election campaign."<sup>5</sup> However, the Court did recognize that initiation fees could be an artificial obstacle to an employee's endorsement of a union with which he was in sympathy. It further recognized that the Union had a legitimate interest in removing such an obstacle through the waiver of its initiation fees and that this interest could be "preserved . . . by waiver of initiation fees available not only to those who have signed up with the union before an election but also to those who join after the election."<sup>6</sup> Thus, where a union offered to waive its initiation fees for all the employees in the unit who joined at anytime during the organizational stage of representation, prior or subsequent to the election, such waiver was legitimate and did not affect the election. That is the situation presented to us here and we find that the Petitioner did nothing improper by informing the employees in the unit of the reduced initiation fee.

Accordingly, as we have overruled the Employer's

objection, and the tally of ballots shows that the Union has received a majority of the valid ballots cast, we shall certify it as the exclusive bargaining representative for the employees in the unit found appropriate herein.

#### CERTIFICATION OF REPRESENTATIVE

It is hereby certified that a majority of the valid ballots have been cast for Chauffeurs, Teamsters, Warehousemen and Helpers Local Union No. 414, a/w International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and that, pursuant to Section 9(a) of the National Labor Relations Act, as amended, 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.

<sup>5</sup> 414 U.S. at 274.

<sup>6</sup> *Id.* at 272, fn 4