

In the Matter of RCA MANUFACTURING COMPANY, INC. and GENERAL WAREHOUSEMEN'S LOCAL 598, AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS, A. F. L.

*Case No. R-3709.—Decided April 17, 1942*

**Investigation and Certification of Representatives:** stipulation for certification upon consent election.

*Mr. Maurice J. Nicolson*, for the Board.

*Mr. J. E. Francis*, of Hollywood, Calif., for the Company.

*Mr. Frank Merhab*, of Los Angeles, Calif., for the A. F. L.

*Mr. Leo Turner*, for the C. I. O.

*Mr. A. Sumner Lawrence*, of counsel to the Board.

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

On February 4, 1942, General Warehousemen's Local 598, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers, A. F. L., herein called the A. F. L., filed with the Regional Director for the Twenty-first Region (Los Angeles, California) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of RCA Manufacturing Company, Inc., Hollywood, California, herein called the Company, engaged in the manufacture and sale of phonograph records, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On March 6, 1942, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act, and Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 2, as amended, ordered an investigation and authorized the Regional Director to conduct it and to provide for an appropriate hearing upon due notice. On March 5, 1942, the Company, the A. F. L., the United Electrical Radio and Machine Workers of America, C. I. O., herein called the 40 N. L. R. B., No. 116.

C. I. O., a labor organization claiming to represent employees directly affected by the investigation, and an attorney for the Board entered into a "STIPULATION FOR CERTIFICATION UPON CONSENT ELECTION."

Pursuant to the stipulation, an election by secret ballot was conducted on March 11, 1942, under the direction and supervision of the Regional Director among the following employees to determine whether they desire to be represented by the A. F. L. or by the C. I. O., for the purposes of collective bargaining, or by neither: all hourly paid employees in the Company's plant at 1016 North Sycamore Avenue, Hollywood, California, employed in the Record Manufacturing Department and the Maintenance and Power Department, excluding all foremen, assistant foremen, and supervisory employees, all general office employees, all warehouse and shipping employees, all employees of the Engineering Department, and all employees engaged in the assembling, manufacture, maintenance, and operation of sound equipment. On March 17, 1942, the Regional Director issued his Report on Consent Election. No objections to the conduct of the ballot or to the report thereon were filed by any of the parties.

In his Report on Consent Election, the Regional Director reported as follows concerning the balloting and its results:

Total on eligibility list.....	166
Total ballots cast.....	137
Total ballots challenged.....	0
Total blank ballots.....	0
Total void ballots.....	1
Total valid votes counted.....	136
Votes cast for General Warehousemen's Local 598, affiliated with Int'l Bro. Teamsters, Chauffeurs, Warehousemen & Helpers, A. F. L.....	40
Votes cast for United Electrical Radio and Machine Workers of America, C. I. O.....	54
Votes cast for neither.....	42

The Regional Director further reported that pursuant to Section IX of the Agreement for Consent Election, he found and determined that neither contesting union had been designated and selected by a majority of the employees in the agreed unit as the exclusive bargaining representative of the employees within the unit.

On March 20, 1942, pursuant to the said agreement for Consent Election, a run-off election was conducted under the direction and supervision of the Regional Director among the employees within the agreed unit to determine whether the said employees desired to be represented by the A. F. L. or the C. I. O. for purposes of collective bargaining. On March 26, 1942, the Regional Director issued and thereafter duly served upon the parties his second Report on Consent Election. No objections to the conduct of the ballot or to the report thereon were filed by any of the parties.

In his second Report on Consent Election, the Regional Director reported as follows concerning the balloting and its results:

Total on eligibility list.....	166
Total ballots cast.....	121
Total ballots challenged.....	0
Total blank ballots.....	4
Total void ballots.....	2
Total valid votes counted.....	115
Votes cast for General Warehousemen's Local 598, affiliated with Int'l Bro. Teamsters, Chauffeurs, Warehousemen & Helpers, A. F. L.....	53
Votes cast for United Electrical Radio and Machine Workers of America, C. I. O.....	62

Upon the basis of the stipulation, the second Report on Consent Election, and the entire record in the case, the Board makes the following:

#### FINDINGS OF FACT

1. A question affecting commerce has arisen concerning the representation of employees of RCA Manufacturing Company, Inc., Hollywood, California, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. All hourly paid employees in the Company's plant at 1016 North Sycamore Avenue, Hollywood, California, employed in the Record Manufacturing Department and the Maintenance and Power Department, excluding all foremen, assistant foremen, and supervisory employees, all general office employees, all warehouse and shipping employees, all employees of the Engineering Department, and all employees engaged in the assembling, manufacture, maintenance, and operation of sound equipment, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

3. United Electrical Radio and Machine Workers of America, C. I. O., has been designated and selected by a majority of the employees in the above unit as their representative for the purposes of collective bargaining and is the exclusive representative of all the employees in said unit, within the meaning of Section 9 (a) of the National Labor Relations Act.

#### CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act,

IT IS HEREBY CERTIFIED that United Electrical Radio and Machine Workers of America, C. I. O., has been designated and selected by a

majority of all hourly paid employees of RCA Manufacturing Company, Inc., in its plant at 1016 North Sycamore Avenue, Hollywood, California, employed in the Record Manufacturing Department and the Maintenance and Power Department, excluding all foremen, assistant foremen, and supervisory employees, all general office employees, all warehouse and shipping employees, all employees of the Engineering Department, and all employees engaged in the assembling, manufacture, maintenance, and operation of sound equipment, as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, United Electrical Radio and Machine Workers of America, C. I. O., is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.