

In the Matter of FORT DODGE CREAMERY COMPANY and PACKINGHOUSE
WORKERS ORGANIZING COMMITTEE

Case No. 18-R-832

SUPPLEMENTAL DECISION

AND

DIRECTION

March 13, 1944

On November 27, 1943, the National Labor Relations Board, herein called the Board, issued its Decision and Direction of Election, in this proceeding.¹ Pursuant to the Direction of Election, an election by secret ballot was conducted on December 16, 1943, by the Regional Director for the Eighteenth Region (Minneapolis, Minnesota), and a Run-Off Election was conducted by said Regional Director on January 4, 1944. Upon conclusion of the Run-Off Election, the Board agent, acting pursuant to Article III, Section 10, of National Labor Relations Board Rules and Regulations—Series 3, furnished to all parties a Tally of the Ballots which indicated the results of the election to be as follows:

Approximate number of eligible voters.....	51
Valid votes counted.....	45
Votes cast for United Packinghouse Workers of America, C. I. O. ²	22
Votes cast for International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 884, A. F. L. ³	23
Challenged ballots.....	2
Void ballots.....	0

On January 7, 1944, the PWA filed Objections to the Election alleging that the official observer of the Teamsters was a supervisor. The PWA challenged the ballot of this observer and of another employee who it also alleges is a supervisory employee. On January 20, 1944, the Regional Director issued and served upon all parties his Consolidated Report on Challenges and Objections to Run-Off Election, in which he considered the challenges and recommended that they be

¹ 53 N. L. R. B. 928

² Herein called the PWA.

³ Herein called the Teamsters

55 N. L. R. B., No. 88

overruled and that the ballots be opened and counted on the ground that the persons involved were not supervisory employees. For the same reason, he recommended that the Objections be overruled. No exceptions to the Consolidated Report were filed.

Upon the entire record in the case, the Board makes the following:

SUPPLEMENTAL FINDINGS OF FACT

1. *Sig Johnson* was challenged by the PWA on the ground that he is a supervisory employee. He is shipping clerk who, with his two helpers, is responsible for hauling freight to and from stations, making deliveries to warehouses and unloading freight carloads of supplies. He assigns work to his helpers, but works with them himself full time. He cannot effect changes in the status of his helpers. He is not considered by the Company as a supervisor. He voted without challenge in the first election conducted December 16, 1943. We agree with the recommendation of the Regional Director and find that Johnson is not a supervisory employee and that he was entitled to vote.

2. *Marion Stucki* was challenged by the PWA on the ground that he is a supervisory employee. Stucki is a buttermaker who works under the direct supervision of the foreman of the butter and evaporated milk department. He gives directions to one assistant and two butter packaging girls. He has no authority to effect changes in the status of these employees either by direct action or by recommendation. He voted without challenge in the first election. We agree with the recommendation of the Regional Director and find that Stucki is not a supervisory employee and that he was entitled to vote.

Since the results of the election may depend upon the counting of these two challenged ballots, we shall direct that they be opened and counted.

The PWA protested the conduct of the election on the ground that the official observer of the Teamsters is a supervisory employee. The Teamsters' observer was Sig Johnson whose ballot was challenged. Since we have herein found that Johnson is not a supervisory employee, the protest of the PWA to the Run-Off Election is hereby disallowed.

DIRECTION

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, and pursuant to Article III, Section 10, of National Labor Relations Board Rules and Regulations—Series 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Fort Dodge

Creamery Company, Fort Dodge, Iowa, the Regional Director for the Eighteenth Region shall, pursuant to the Rules and Regulations of the Board set forth above, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, within ten (10) days from the date of this Direction open and count the ballots of Sig Johnson and Marion Stucki, and thereafter prepare and serve on the parties in this proceeding a Report embodying therein his findings and his recommendations as to the results of the ballot.

MR. GERARD D. REILLY took no part in the consideration of the above Supplemental Decision and Direction.