

In the Matter of AMERICAN-HAWAIIAN STEAMSHIP COMPANY and  
GATEMEN, WATCHMEN AND MISCELLANEOUS WATERFRONT WORKERS  
UNION, LOCAL 38-124; INTERNATIONAL LONGSHOREMEN'S ASSOCIA-  
TION

*Case No. R-46*

CERTIFICATION OF REPRESENTATIVES

*December 11, 1936*

On April 1, 1936, Gatemen, Watchmen and Miscellaneous Waterfront Workers Union, Local 38-124; International Longshoremen's Association, hereinafter referred to as the Union, filed a petition with the Regional Director for the Twentieth Region alleging that a question affecting commerce had arisen concerning certain classes of employees employed by the American-Hawaiian Steamship Company, San Francisco, California, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, hereinafter referred to as the Act. This petition was one of 20 petitions filed at the same time by the Union concerning the representation of similar classes of employees employed by various other companies in the same locality.<sup>1</sup> On May 22, 1936, the National Labor Relations Board, hereinafter referred to as the Board, authorized the Regional Director for the Twentieth Region to conduct investigations and to provide for an appropriate hearing on the 20 petitions so filed. In accordance with a notice of hearing and an amended notice of hearing duly issued and served by the Regional Director, a hearing was held in San Francisco, California on July 15, 1936, and continued on July 16 and 17. On August 31, 1936, the Board issued a Decision and Direction of Election<sup>2</sup> in which it ordered elections to be held in 18 of the companies, including the American-Hawaiian Steamship Company, among the employees in a unit consisting of watchmen, baggagemen and porters, storemen, gearmen, linemen, sliders, janitors and sweepers, inventory clerks, dock and ship oil pumpers and handymen, em-

<sup>1</sup> See *In the Matter of Luckenback Steamship Company, Inc. et al. and Gatemen, Watchmen and Miscellaneous Waterfront Workers Union, Locals 38-124; International Longshoremen's Association*, Cases No. R-41 to R-60, inclusive, decided August 31, 1936 (*supra*, p 181).

<sup>2</sup> *Ibid.*

ployed by each of the companies. Pursuant to the Direction of Election, election by secret ballot were conducted by the Regional Director for the Twentieth Region on September 25, 1936.

On October 30, 1936, the Board issued a decision as to 17 of the companies.<sup>3</sup> This decision stated:

"The payroll submitted by the American-Hawaiian Steamship Company indicated that 55 persons regularly employed by this Company were eligible to vote. Nineteen of these employees cast ballots. Seventeen ballots were cast for the Union and two were cast against the Union. On October 19, 1936 Woodley B. Fitch, president of the Union, requested that the Board take no action 'until the Union has time to investigate certain circumstances surrounding the Election'. For this reason the Board will take no action at this time on the petition relating to the employees of this Company."<sup>4</sup>

On December 2, 1936, the Union, through Woodley B. Fitch, requested the Board to dispose of this case.

The 17 employees who voted for the Union constitute a majority of those who participated in the election held among the employees of the American-Hawaiian Steamship Company. On the precedent established and for the reasons stated in *In the Matter of R. C. A. Manufacturing Company, Inc. and United Electrical & Radio Workers of America*, Case No. R-39, decided November 7, 1936 (*supra*, p. 168), we hold that since a majority of those who voted chose the Union to represent them, the Union is, by virtue of Section 9 (a) of the Act, the exclusive representative of all the employees in the unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.

Now THEREFORE, 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 8 of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Gatemen, Watchmen and Miscellaneous Waterfront Workers Union, Local 38-124; International Longshoremen's Association has been selected by a majority of the watchmen, baggagemen and porters, storemen, gearmen, linemen, sliders, janitors and sweepers, inventory clerks, dock and ship oil pumpers and handymen, employed by the American-Hawaiian Steamship Company, as their representative for the purposes of collective bargain-

<sup>3</sup> *Supra*, p. 192

<sup>4</sup> *Id.* p. 193.

ing and that pursuant to Section 9 (a) of the National Labor Relations Act, Gatemen, Watchmen and Miscellaneous Waterfront Workers Union, Local 38-124; International Longshoremen's Association is the exclusive representative of such employees of the American-Hawaiian Steamship Company, for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.