

IN THE MATTER OF FEDDERS MANUFACTURING COMPANY *and* LODGE NO. 1753, AMALGAMATED ASSOCIATION OF IRON, STEEL AND TIN WORKERS OF NORTH AMERICA, THROUGH THE STEEL WORKERS ORGANIZING COMMITTEE

Case No. R-258

CERTIFICATION OF REPRESENTATIVES

February 12, 1938

By Decision dated October 15, 1937,¹ the National Labor Relations Board, as part of the investigation authorized to ascertain representatives for the purposes of collective bargaining with Fedders Manufacturing Company, directed the Regional Director for the Third Region, acting as agent for the National Labor Relations Board, and subject to National Labor Relations Board Rules and Regulations—Series 1, as amended, to conduct an election by secret ballot among the production employees of the Fedders Manufacturing Company who appear on the pay-roll list of July 11, 1937, excluding foremen, assistant foremen and others in supervisory capacities, office workers, janitors, porters, shipping clerks, department clerks, clerks under foremen in the shop, engineers, draftsmen, nurses, watchmen, and all other salaried employees, and excluding the repair man at the Detroit, Michigan, office, but including the stockroom helper, to determine whether they desired to be represented by Lodge No. 1753, Amalgamated Association of Iron, Steel, and Tin Workers, affiliated with the Committee for Industrial Organization, or the Employees' Labor Organization of the Fedders Manufacturing Company for the purposes of collective bargaining, or by neither.

Pursuant to said Direction of Election, the Regional Director conducted an election by secret ballot on October 25, 1937. The results of the balloting showed that a majority of the employees in the appropriate unit desired to bargain collectively with the Company, although they had accorded neither of the rival unions a majority. On December 31, 1937, the Amalgamated, having received the greater number of votes, requested, by letter addressed to the Board, that a run-off election be held.

By Supplemental Decision and Direction of Election² dated January 10, 1938, the Board, as part of the investigation authorized to

¹ 3 N. L. R. B. 818

² 4 N. L. R. B. 770

ascertain representatives for the purposes of collective bargaining with Fedders Manufacturing Company, directed the Regional Director for the Third Region, acting as agent for the National Labor Relations Board to conduct an election by secret ballot among the above-designated employees to determine whether or not they desired to be represented by Lodge No. 1753, Amalgamated Association of Iron, Steel, and Tin Workers, affiliated with the Committee for Industrial Organization, for the purposes of collective bargaining.

Pursuant to the Supplemental Decision and Direction of Election, balloting was conducted January 28, 1938. Full opportunity was accorded to all of the parties to this investigation to participate in the conduct of the secret ballot and to make challenges.

The Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued and duly served upon the parties to the proceeding his Intermediate Report on the ballot.

The Company has objected to the Intermediate Report and to the balloting on the grounds, *inter alia*, that the Board has no authority to conduct a run-off election, and that, while all persons in the appropriate unit who appeared on the pay-roll list of July 11, 1937, were eligible to vote in the run-off election, the pay roll on the date of the Supplemental Direction of Election and on the date of the run-off election consisted of a smaller number of persons. The reasons for issuing the Supplemental Decision, and Direction of Election were set forth therein. The objections raise no new question. As to the pay-roll date, the Board in its original Decision and Direction of Election pointed out its reasons for adopting the pay-roll list of July 11, 1937, as the one to be used in the election. The respondent's business is seasonal. The Board has in the case of such seasonal businesses, or in the case of temporary reductions of force, considered those who have been temporarily laid off as eligible to vote.

As to the balloting and its results, the Regional Director reported as follows:

Total number eligible to vote.....	873
Total number of ballots cast.....	723
Ballots in favor of Lodge No. 1753, Amalgamated Association of Iron, Steel and Tin Workers, C. I. O.....	369
Ballots against Lodge No 1753, Amalgamated Association of Iron, Steel and Tin Workers, C I O.....	346
Blank ballots.....	1
Void ballots.....	0
Challenged ballots.....	7

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

lations 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 Lodge No. 1753, Amalgamated Association of Iron, Steel, and Tin Workers, affiliated with the Committee for Industrial Organization, has been designated and selected by a majority of the production employees of the Fedders Manufacturing Company, excluding foremen, assistant foremen, and others in supervisory capacities, office workers, janitors, porters, shipping clerks, department clerks, clerks under foremen in the shop, engineers, draftsmen, nurses, watchmen, and all other salaried employees, and excluding the repairman in the Detroit, Michigan, office, but including the stockroom helper, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the National Labor Relations Act, Lodge No. 1753, Amalgamated Association of Iron, Steel, and Tin Workers, affiliated with the Committee for Industrial Organization, 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.