

In the Matter of ASSOCIATED PRESS and THE AMERICAN NEWSPAPER
GUILD

Case No. R-536

CERTIFICATION OF REPRESENTATIVES

March 16, 1938

On September 23, 1937, The American Newspaper Guild, herein called the Guild, filed with the Regional Director for the First Region (Boston, Massachusetts), for the Fourth Region (Philadelphia, Pennsylvania) and for the Fifth Region (Baltimore, Maryland) petitions alleging that questions affecting commerce had arisen concerning the representation of employees of the Boston, Philadelphia and Washington offices, respectively, of Associated Press, and requesting investigations and certifications of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On September 30, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Article II, Section 37 (c), of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued an order consolidating and transferring the proceedings from the First, Fourth, and Fifth Regions to the Second Region. On October 26, 1937, the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, of said Rules and Regulations, ordered an investigation and authorized the Regional Director for the Second Region to conduct it and to provide for an appropriate hearing upon due notice.

On December 30, 1937, the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, of the Rules and Regulations, consolidated for purposes of a hearing the matter of investigation and certification of representatives with the investigation of charges of unfair labor practices that had been filed by the Guild against the Associated Press.¹ On January 5, 1938, the Board issued an order of severance, severing these two proceedings.

On December 23, 1937, the Regional Director issued a notice of hearing, copies of which were duly served upon the Associated Press and upon the Guild. Pursuant to the notice, a hearing was held on January 5 and 6, 1938, at New York City, before Frank Bloom, the Trial Examiner duly designated by the Board.

¹ Case No. II-C-1093.

On January 10, 1938, the Board issued an order admitting into evidence as Respondent's Exhibit No. 4 a letter dated January 7, 1938, from Lloyd Stratton to Nathan Witt, Secretary of the National Labor Relations Board. On January 18, 1938, a hearing was held at Washington, D. C., before the full Board, for the purpose of oral argument.

On February 2, 1938, the Board issued a Decision and Direction of Elections.² The Direction of Elections provided for elections by secret ballot to be held within fifteen (15) days from the date of the Direction:

(1) Under the direction and supervision of the Regional Director for the First Region among the editorial, clerical, photo, service (utility) employees, and all other employees, excluding chiefs of bureaus, telegraphers, punchers, wire equipment maintenance employees, wire photo operators and photo engravers, who were included in the January 5, 1938, pay roll for the Boston office, to determine whether or not they desired to be represented by The American Newspaper Guild for the purposes of collective bargaining;

(2) Under the direction and supervision of the Regional Director for the Fourth Region among the editorial, clerical, photo, service (utility) employees, and all other employees, excluding chiefs of bureaus, telegraphers, punchers, wire equipment maintenance employees, wire photo operators and photo engravers, who were included in the January 5, 1938, pay roll for the Philadelphia office, to determine whether or not they desired to be represented by The American Newspaper Guild for the purposes of collective bargaining; and

(3) Under the direction and supervision of the Regional Director for the Fifth Region among the editorial, clerical, photo, service (utility) employees, and all other employees, excluding chiefs of bureaus, telegraphers, punchers, wire equipment maintenance employees, wire photo operators and photo engravers, who were included in the January 5, 1938, pay roll for the Washington office, to determine whether or not they desired to be represented by The American Newspaper Guild for the purposes of collective bargaining.

Pursuant to the Direction of Elections, elections by secret ballot were conducted on February 15, 1938, by the Regional Directors for the First, Fourth and Fifth Regions. Full opportunity was afforded all the parties to the investigation to participate in the conduct of the secret ballots and make challenges.

On February 16, 1938, the Regional Director for the First Region issued and duly served upon the parties to the proceeding his Intermediate Report on the ballot. No objections to the ballot or to the Intermediate Report have been filed by any of the parties.

² 5 N L R B 43

As to the results of the secret ballot, the Regional Director for the First Region reported as follows:

Total number eligible.....	49
Total ballots cast.....	48
Number of ballots marked "Yes".....	39
Number of ballots marked "No".....	9
Number of blank ballots.....	0
Number of void ballots.....	0

On March 8, 1938, the Regional Director for the Fourth Region issued and duly served upon the parties to the proceeding his Intermediate Report on the ballot. No objections to the ballot or to the Intermediate Report have been filed by any of the parties.

As to the results of the secret ballot, the Regional Director for the Fourth Region reported as follows:

Total number eligible.....	27
Total ballots cast.....	26
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged ballots.....	1
Total number of ballots cast for American Newspaper Guild.....	18
Total number of ballots cast against American Newspaper Guild.....	7

On February 16, 1938, the Regional Director for the Fifth Region issued and duly served upon the parties to the proceeding his Intermediate Report on the ballot. No objections to the ballot or to the Intermediate Report have been filed by any of the parties.

As to the results of the secret ballot, the Regional Director for the Fifth Region reported as follows:

Total number eligible.....	114
Total ballots cast.....	98
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged votes.....	7
Total number of ballots cast for The American Newspaper Guild.....	81
Total number of ballots cast against The American Newspaper Guild.....	10

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, 49 Stat. 449, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that The American Newspaper Guild has been designated and selected by a majority of the editorial, clerical, photo, service (utility) employees, and all other employees, excluding chiefs of bureaus, telegraphers, punchers, wire equipment main-

tenance employees, wire photo operators and photo engravers, who are employed in the Boston office of the Associated Press, as their representative for the purpose of collective bargaining, and that, pursuant to Section 9 (a) of the Act, The American Newspaper Guild 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.

IT IS HEREBY CERTIFIED that The American Newspaper Guild has been designated and selected by a majority of the editorial, clerical, photo, service (utility) employees, and all other employees, excluding chiefs of bureaus, telegraphers, punchers, wire equipment maintenance employees, wire photo operators and photo engravers, who are employed in the Philadelphia office of the Associated Press, as their representative for the purpose of collective bargaining, and that, pursuant to Section 9 (a) of the Act, The American Newspaper Guild 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.

IT IS HEREBY CERTIFIED that The American Newspaper Guild has been designated and selected by a majority of the editorial, clerical, photo, service (utility) employees, and all other employees, excluding chiefs of bureaus, telegraphers, punchers, wire equipment maintenance employees, wire photo operators and photo engravers, who are employed in the Washington office of the Associated Press, as their representative for the purpose of collective bargaining, and that, pursuant to Section 9 (a) of the Act, The American Newspaper Guild 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.