

In the Matter of LIDZ BROTHERS, INCORPORATED and UNITED WHOLE-
SALE EMPLOYEES, (LOCAL NO. 65)

Case No. R-360

SUPPLEMENTAL DECISION

AND

AMENDMENT TO DIRECTION OF ELECTION

March 18, 1938

On March 3, 1938, the National Labor Relations Board, herein called the Board, issued its Decision and Direction of Election¹ in the above-entitled proceeding. On March 15, 1938, United Wholesale Employees, Local No. 65, herein called the Union, filed objections to the Decision and Direction of Election, alleging that salesmen should not have been included within the bargaining unit and requesting that the Board "grant such relief to the Union as may be necessary, either by amending its decision to exclude salesmen from the bargaining unit, or refer this matter back to the Trial Examiner for further proof, or direct oral argument on these objections." Upon careful consideration of this matter, the Board finds that the salesmen were properly included within the bargaining unit. The request of the Union is, therefore, hereby denied.

The Direction of Election provided that "an election by secret ballot shall be conducted within fifteen (15) days from the date of this Direction, under the direction and supervision of the Regional Director for the Second Region." The Board, having been advised that a longer period is necessary, hereby amends the Direction of Election issued on March 3, 1938, by striking therefrom the words "within fifteen (15) days from the date of this Direction," and substituting therefor the words, "within twenty-five (25) days from the date of this Direction."

MR. EDWIN S. SMITH took no part in the consideration of the above Supplemental Decision and Amendment to Direction of Election.

¹ 5 N. L. R. B. 757

[SAME TITLE]

SUPPLEMENTAL DECISION

AND

ORDER

April 11, 1938

On March 3, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled case. The Direction of Election, as amended by the Supplemental Decision and Amendment to Direction of Election issued by the Board on March 18, 1938, directed that an election by secret ballot be conducted within twenty-five (25) days from the date of the Direction among the employees of Lidz Brothers, Incorporated, New York City, herein called the Company, employed by the Company during the pay-roll period next preceding October 25, 1937, excluding supervisory and office employees, employees at the Chicago office, and those who have since quit or been discharged for cause, to determine whether or not they desire to be represented by the United Wholesale Employees, Local No. 65, for the purposes of collective bargaining.

Pursuant to the Direction, as amended, an election by secret ballot was conducted under the direction and supervision of Elinore M. Herrick, the Regional Director for the Second Region (New York City), on March 23, 1938. Thereafter the said 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 her Intermediate Report on the ballot. No objections or exceptions to the Intermediate Report have been filed by any of the parties.

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

Total number eligible to vote.....	40
Total number of ballots cast.....	39
Total number of ballots counted.....	36
Total number of votes cast for United Wholesale Employees, (Local No. 65).....	11
Total number of votes cast against United Wholesale Em- ployees, (Local No. 65).....	25
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged ballots.....	3

The results of the election show that no collective bargaining representative has been selected by a majority of the employees. The petition for investigation and certification of representatives of employees of the Company will therefore be dismissed.

ORDER

By virtue of 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

ORDERED that, the petition for investigation and certification of representatives of employees of Lidz Brothers, Incorporated, filed by United Wholesale Employees, Local No. 65, be, and it hereby is, dismissed.