

In the Matter of AMERICAN FRANCE LINE *et al.* (STANDARD OIL COMPANY OF NEW JERSEY) *and* INTERNATIONAL SEAMEN'S UNION OF AMERICA

Case No. R-157

SUPPLEMENTAL DECISION

AND

CERTIFICATION OF REPRESENTATIVES

March 30, 1938

On July 16, 1937, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Elections in the above-entitled case.¹ The Direction of Elections directed that elections by secret ballot be conducted among the unlicensed personnel employed in the deck, engine, and stewards' departments, except wireless and radio operators, chief electricians on electrically driven ships, and junior engineers who hold licenses, on the vessels operated out of Atlantic and Gulf ports by 52 named companies, including Standard Oil Company of New Jersey, New York City. By a Supplemental Decision and Direction of Elections, issued September 17, 1937,² similar elections were directed to be held in nine additional companies. Supplemental or amended decisions have also been issued in this case on August 16, September 11, and November 10, 1937,³ dealing with various matters which need not be set forth in detail here.

Pursuant to these Decisions and Directions of Elections, an election by secret ballot has been conducted under the direction and supervision of Elinore Morehouse Herrick, the Regional Director for the Second Region (New York City), on the vessels operated out of Atlantic and Gulf ports by Standard Oil Company of New Jersey. On February 9, 1938, 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 an Intermediate Report on the election.

¹ 3 N. L. R. B. 64.

² 3 N. L. R. B. 80.

³ 3 N. L. R. B. 74; 3 N. L. R. B. 76; and 4 N. L. R. B. 112, respectively.

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

Total number eligible to vote.....	2023
Total number of ballots cast.....	1880
Total number of votes in favor of International Seamen's Union of America, or its successor, affiliated with the American Federation of Labor.....	46
Total number of votes in favor of National Maritime Union of America, affiliated with the Committee for Industrial Organization.....	1703
Total number of votes in favor of neither organization.....	79
Total number of blank ballots.....	1
Total number of void ballots.....	19
Total number of challenged ballots.....	32

No objections or exceptions to the Intermediate Report have been filed by any of the parties. The records of the Board indicate, however, that one of the rules set forth in the Decision and Direction of Elections issued July 16, 1937, for the conduct of these elections was not observed as to 5 of the 70 vessels voted in this line. This rule provided that in the event a vessel was balloted in the same port in which it was posted with a notice of election, a sample ballot, a list of employees eligible to vote, and a notice of the time and place where balloting would be conducted, without an intervening trip, the posting should be made at least 48 hours before balloting was conducted. In each of the five vessels, balloting was conducted on the same day and in the same port in which the vessel had been so posted, only 1 to 2 hours intervening between the posting and balloting. These vessels with the number of eligible voters and the number who voted on each, are:

Name of Vessel	Number Eligible	Number of Ballots Cast
E. J. Sadler.....	33	30
W. S. Farish.....	33	29
Frederick R. Kellogg.....	31	29
C. J. Burkdell.....	28	27
Wallace E. Pratt.....	30	28
Total.....	155	143

It is apparent, in view of the results of the election, that even if the failure to observe this provision of the Decision as to these five vessels be considered prejudicial to the International Seamen's Union of America, and either the number who voted or the number eligible to vote on these vessels be subtracted from the total received by the National Maritime Union of America and added to the number of votes received by the International Seamen's Union of America, only the size of the majority received by the National Maritime Union of America would be changed; it would still be the choice

of a majority. Under these circumstances, we will certify the National Maritime Union of America.

CERTIFICATION OF REPRESENTATIVES

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 National Maritime Union of America, affiliated with the Committee for Industrial Organization, has been selected by a majority of the unlicensed personnel employed in the deck, engine, and stewards' departments, except wireless and radio operators, chief electricians on electrically driven ships, and junior engineers who hold licenses, on the vessels operated out of Atlantic and Gulf ports by Standard Oil Company of New Jersey, New York City, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, National Maritime Union of America, 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.

MR. EDWIN S. SMITH took no part in the consideration of the above Supplemental Decision and Certification of Representatives.