

In the Matter of SWEET CANDY COMPANY, A CORPORATION *and* CANDY  
WORKERS' LOCAL No. 373

*Case No. R-526*

CERTIFICATION OF REPRESENTATIVES

*April 11, 1938*

On February 21, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled case.<sup>1</sup> On March 11, 1938, the Board issued an amendment to the Direction of Election.<sup>2</sup> The Direction of Election, as amended, directed that an election by secret ballot be conducted within thirty (30) days from the date of the Direction among all plant employees of Sweet Candy Company, Salt Lake City, Utah, on its pay roll of November 5, 1937, including watchmen but excluding foremen, office and clerical help, employees of the shipping and delivery department, and those who since had quit or had been discharged for cause, to determine whether or not they desired to be represented by Candy Workers' Local No. 373, Bakery and Confectionery Workers' International Union of America, for the purposes of collective bargaining.

Pursuant to this Decision and Direction of Election, as amended, an election by secret ballot was conducted on March 18, 1938, at Salt Lake City, Utah, under the direction and supervision of Aaron W. Warner, the Regional Director for the Twenty-second Region (Denver, Colorado). 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. On March 21, 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 his Intermediate Report on the ballot. No objections or exceptions to the Intermediate Report have been filed by any of the parties.

---

<sup>1</sup> 5 N. L. R. B. 541.

<sup>2</sup> 5 N. L. R. B. 546.

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

Total employees eligible.....	140
Total number of ballots cast.....	118
Ballots cast for Candy Workers' Local No. 373.....	80
Ballots cast against Candy Workers' Local No. 373.....	38
Challenged ballots.....	0
Blank ballots.....	0
Void ballots.....	0

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, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Candy Workers' Local No. 373, Bakery and Confectionery Workers' International Union of America, has been designated and selected by a majority of all plant employees of Sweet Candy Company, Salt Lake City, Utah, including watchmen but excluding foremen, office and clerical help, employees of the shipping and delivery department, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the National Labor Relations Act, Candy Workers' Local No. 373, Bakery and Confectionery Workers' International Union of America, 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.

\*During the balloting two employees appeared and contended that their names had been omitted through oversight from the list of eligible voters which had been agreed to by all the parties prior to the balloting. It was decided by the agent who conducted the election that the two employees should mark ballots, but that said ballots should be held in escrow in sealed envelopes and not cast or counted until and unless the count of the ballots cast by those on the eligibility list indicated that these two ballots might affect the outcome. Since the count made these two ballots immaterial, they were not counted for any purpose.