

In the Matter of PANAMA MAIL STEAMSHIP COMPANY and NATIONAL  
MARITIME UNION OF AMERICA

Case No. R-236

CERTIFICATION OF REPRESENTATIVES

April 15, 1938

On September 17, 1937, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Elections in the above-entitled case.<sup>1</sup> On November 10, 1937, the Board issued an Amendment to Decision and Direction of Elections.<sup>2</sup> The Direction of Elections, as amended, directed that an election by secret ballot be conducted among the unlicensed seamen, except wireless and radio operators, chief electricians on electrically driven ships, and junior engineers who hold licenses, employed on all type of craft, except craft operated in harbors only, operated out of Atlantic and Gulf ports by Panama Mail Steamship Company, New York City.

Pursuant to the Decision and Direction of Elections, as amended, 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 January 27 and February 17, 1938, respectively, American Federation of Labor Seamen's Union, successor to International Seamen's Union of America, filed protests with the said Regional Director concerning the conduct of the election on the S. S. *Santa Rosa* and the S. S. *Santa Elena* of this line.

On March 11, 1938, the Regional Director ruled on the protests. The rulings, in effect, were that if the results of the election depended upon the ballots of 31 of the men employed on the S. S. *Santa Rosa* whose right to vote was not challenged at the time of the election, the vessel should be revoked and that challenges relating to employees of the S. S. *Santa Elena* should not be decided unless they were essential to the determination of the results of the election.

On March 18, 1938, the Acting Regional Director for the Second Region, 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. The Intermediate Report stated that the above-mentioned

<sup>1</sup> 3 N. L. R. B. 692.

<sup>2</sup> 4 N. L. R. B. 111.

protests had been filed, set forth the rulings of the Regional Director, and concluded that in view of the results of the election it was unnecessary to rebalot the S. S. *Santa Rosa* or to determine the challenges relating to members of the crew of the S. S. *Santa Elena*.<sup>3</sup> No appeal has been made to the Board from the rulings of the Regional Director nor have any objections or exceptions been filed to the Intermediate Report. We will, accordingly, not review the protests or the rulings of the Regional Director.

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

Total number eligible to vote-----	506
Total number of ballots cast-----	471
Total number of votes in favor of International Seamen's Union of America, or its successor, affiliated with the American Federation of Labor-----	9
Total number of votes in favor of National Maritime Union of America, affiliated with the Committee for Industrial Organization-----	373
Total number of votes in favor of neither organization-----	27
Total number of blank ballots-----	2
Total number of void ballots-----	4
Total number of challenged ballots-----	56

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 designated and selected by a majority of the unlicensed seamen, except wireless and radio operators, chief electricians on electrically driven ships, and junior engineers who hold licenses, employed on all type of craft, except craft operated in harbors only, operated in or out of Atlantic and Gulf ports by Panama Mail Steamship Company, 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.

<sup>3</sup> The Intermediate Report also stated that Grace Line, Inc., of which Panama Mail Steamship Company is a wholly owned subsidiary, had become the employer of the crews employed on the three vessels operated by this line in January 1938. Since this fact has not been established by testimony at a hearing or in any other formal manner, certification will be made as if the employees were still those of Panama Mail Steamship Company.