

In the Matter of ALABAMA DRYDOCK & SHIPBUILDING Co. *and* INDUSTRIAL UNION OF MARINE AND SHIPBUILDING WORKERS OF AMERICA, LOCAL No. 18

In the Matter of ALABAMA DRYDOCK & SHIPBUILDING Co. *and* LOCAL METAL TRADES COUNCIL OF MOBILE, ALABAMA

*Cases Nos. R-472 and R-473*

## CERTIFICATION OF REPRESENTATIVES

*May 2, 1938*

On February 8, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election<sup>1</sup> in the above-entitled case. The Direction of Election provided that an election by secret ballot be held within fifteen (15) days from the date of the Direction among all persons, other than clerical and office workers, draftsmen, checkers, timekeepers, leadermen paid on a salary basis, foremen and other supervisory officials, whose names appeared upon the pay rolls of Alabama Drydock and Shipbuilding Company, Mobile, Alabama, for the weeks ending June 16, 1937, to October 13, 1937, inclusive, as having earned wages during any week for work in the port of Mobile, Alabama, to determine whether they desired to be represented by the Industrial Union of Marine and Shipbuilding Workers of America, Local No. 18, or by the Local Metal Trades Council of Mobile, Alabama, for the purposes of collective bargaining, or by neither.

Pursuant to the Direction, an election by secret ballot was conducted on February 23, 1938. 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 February 25, 1938, Charles H. Logan, Regional Director for the Fifteenth Region (New Orleans, Louisiana), acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued his Intermediate Report on Secret Ballot, copies

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<sup>1</sup>5 N. L. R. B. 149.

of which were duly served upon all parties to the proceeding. As to the balloting and its results, the Regional Director reported as follows:

Total Eligible Voters.....	1,797
Total Ballots Cast.....	1,309
Total Void Ballots.....	3
Total Blank Ballots.....	0
Total Challenged Ballots.....	20
Total Ballots Counted.....	1,286
Total Ballots for Industrial Union of Marine & Shipbuilding Workers of America, Local No. 18.....	794
Total Ballots for Local Metal Trades Council of Mobile, Alabama.....	454
Total Ballots for Neither Union.....	38

On February 28, 1938, the Local Metal Trades Council of Mobile, Alabama, filed with the Board a petition setting forth objections to the election and alleging in the main that the Industrial Union of Marine and Shipbuilding Workers of America, Local No. 18, had been guilty of improper and illegal campaigning and electioneering prior to and during the balloting; that an agent of the Board, while in the City of Mobile for the purpose of investigating a contract between the International Longshoremen's Association, likewise an A. F. of L. affiliate, and the Contracting Stevedores at the Port of Mobile, had, without cause or authorization, gone to the plant of the Alabama Drydock and Shipbuilding Company and made representations to many employees of the Company derogatory to A. F. of L. unions generally; and that the Metal Trades Council was illegally prejudiced in the election by the aforesaid. The Board's agent denies that he either went to the plant of the Alabama Drydock and Shipbuilding Company or had any contact whatever with any of its employees during the course of his presence in Mobile. The Board finds that the allegations with respect to the activities of its agent are without merit. With respect to the allegations of improper activity on the part of the Industrial Union the Board requested more specific evidence and information. In response to this request, the Metal Trades Council sent a supplementary petition with accompanying affidavits and other evidence to the Regional Director on April 16, 1938. After careful consideration of the petition, the supplementary petition, and the supporting evidence, the Board is of the opinion that the evidence before it does not substantiate the contention contained in the allegations of the Metal Trades Council that it was illegally prejudiced in the election by the acts of which it complains. The Board finds accordingly.

On March 3, 1938, Alabama Drydock and Shipbuilding Company filed a protest and objection to the election with the Regional Director. The Board has considered such protest and objection and finds that it raises no substantial issues and is without merit.

Upon the entire record the Board concludes that the results of the ballot reasonably reflect the independent wishes of the majority of the employees who cast ballots in said election.

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 the Industrial Union of Marine and Shipbuilding Workers of America, Local No. 18, has been designated and selected by the majority of all persons, other than clerical and office workers, draftsmen, checkers, timekeepers, leadermen paid on a salary basis, foremen and other supervisory officials, whose names appeared upon the pay rolls of Alabama Drydock and Shipbuilding Company, Mobile, Alabama, for the weeks ending June 16, 1937, to October 13, 1937, inclusive, as having earned wages during any week for work in the port of Mobile, Alabama, and who cast ballots in the election conducted by the agents of the National Labor Relations Board on February 23, 1938, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the National Labor Relations Act, Industrial Union of Marine and Shipbuilding Workers of America, Local No. 18, is the exclusive representative of all employees of Alabama Drydock and Shipbuilding Company, Mobile, Alabama, other than clerical and office workers, draftsmen, checkers, timekeepers, leadermen paid on a salary basis, foremen and other supervisory officials, for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.