

In the Matter of L. A. NUT HOUSE *and* UNITED CRACKER, BAKERY &
CONFECTIONERY WORKERS OF AMERICA

Case No. R-354

Nut, Fruit and Candy Packing and Processing Industry—Election Ordered:
run-off.

SUPPLEMENTAL DECISION

AND

DIRECTION OF ELECTION

July 22, 1938.

On March 5, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled case.¹ The Direction of Election directed that an election be held within twenty (20) days from the date of the Direction, under the direction and supervision of the Regional Director for the Twenty-first Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, among the employees on the weekly pay roll preceding the date of the Direction, employed by Ralph W. Gold and Sam Gendel, a co-partnership, trading under the name and style of Los Angeles Nut House, herein called the Firm, employed by said co-partnership at the building occupied by it in the Central Market, Los Angeles, California, including floor salesmen, but excluding the office force, truck drivers, supervisory employees, salesmen who solicit orders in the City of Los Angeles, and employees at the branch store of said co-partnership, to determine whether they desired to be represented for the purposes of collective bargaining by United Cracker, Bakery and Confectionery Workers of America, Local Industrial Union No. 212, affiliated with the Committee for Industrial Organization, or by Produce Drivers and Employees Union, Local No. 630, International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers, affiliated with the American Federation of Labor, or by neither.

Pursuant to said Direction of Election, the Regional Director conducted an election by secret ballot on March 23, 1938. Full oppor-

¹ 5 N. L. R. B. 799.

8 N. L. R. B., No. 52.

tunity was accorded to all the parties to this investigation to participate in the conduct of the secret ballot and to make challenges. The said Regional Director, acting pursuant to Article III, Section 9, of said Rules and Regulations, on March 25, 1938, issued an Intermediate Report upon the election, and on March 31, 1938, issued and duly served upon the parties an Amended Intermediate Report upon the election. No objections or exceptions to the Amended 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.....	46
Total number of ballots counted.....	43
Total number of votes for United Cracker, Bakery and Confectionery Workers of America, Local Industrial Union No. 212 (C. I. O.).....	15
Total number of votes for Produce Drivers and Employees' Union, Local No. 630, Intl. Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers (A. F. of L.).....	13
Total number of votes for neither.....	15
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged votes.....	2

A majority of the employees in the appropriate unit have indicated their desire to bargain collectively with the Firm, although they have accorded neither of the rival unions a majority. On July 11, 1938, United Cracker, Bakery and Confectionery Workers of America, Local Industrial Union No. 212, having received the greater number of votes, made a request upon the Regional Director that a run-off election be held. In accordance with our usual practice, when no union obtains a majority, we will direct a run-off election, with only the union receiving the higher number of votes on the ballot.² The Board finds that the question concerning representation can best be resolved by a run-off election and will so direct.

DIRECTION OF 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, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended, it is hereby

DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining with Ralph W. Gold and Sam Gendel, a co-partnership, trading under the name and

² See *Matter of Fedders Manufacturing Company and Lodge No. 1753, Amalgamated Association of Iron, Steel, and Tin Workers of North America, through the Steel Workers Organizing Committee*, 4 N. L. R. B. 770.

style of Los Angeles Nut House, Los Angeles, California, an election by secret ballot shall be conducted within twenty (20) days from the date of this Direction, under the direction and supervision of the Regional Director for the Twenty-first Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among the employees, who are on the weekly pay roll immediately preceding March 5, 1938, employed by said co-partnership at the building occupied by it in the Central Market, Los Angeles, California, including floor salesmen, but excluding the office force, truck drivers, supervisory employees, salesmen who solicit orders in the City of Los Angeles, and employees at the branch store of said co-partnership, and those who have since voluntarily quit or been discharged for cause, to determine whether or not they desire to be represented by United Cracker, Bakery and Confectionery Workers of America, Local Industrial Union No. 212, affiliated with the Committee for Industrial Organization, for the purposes of collective bargaining.

[SAME TITLE]

AMENDMENT TO DIRECTION OF ELECTION

August 11, 1938

On March 5, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled proceeding, the election to be held within twenty (20) days from the date of the Direction, under the supervision of the Regional Director for the Twenty-first Region (Los Angeles, California). Pursuant to said Direction of Election, the Regional Director conducted an election by secret ballot on March 23, 1938. Neither of the rival labor organizations on the ballot secured a majority of the votes cast.

On July 22, 1938, the Board issued a Supplemental Decision and Direction of Election, herein called the Second Direction. The Second Direction directed that a run-off election be held within twenty (20) days, with only the union which received the higher number of votes—United Cracker, Bakery and Confectionery Workers of America, Local Industrial Union No. 212, affiliated with the Committee for Industrial Organization—on the ballot.

The Board, having been advised that an election at this time would not settle the question concerning representation which has arisen, hereby amends the Second Direction by striking therefrom the words "within twenty (20) days from the date of this Direction," and substituting therefor the words "at such time as the Board may in the future direct."