

In the Matter of AMERICAN RADIATOR COMPANY (BOND PLANT AND
TERMINAL PLANT) and AMALGAMATED ASSOCIATION OF IRON, STEEL,
& TIN WORKERS, LODGES 1199 AND 1629

Cases Nos. R-655 and R-656

CERTIFICATION OF REPRESENTATIVES

July 22, 1938

On May 25, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election¹ in the above-entitled cases. The Direction of Election directed that two separate elections by secret ballot, one in the Bond Plant and one in the Terminal Plant, be conducted under the direction and supervision of the Regional Director for the Third Region (Buffalo, New York) among the production and maintenance employees of American Radiator Company at its Bond Plant and at its Terminal Plant, Buffalo, New York, who were employed by it during the week ending March 12, 1938, including those employees who were at the time of the election on a stagger system of employment and including shipping and yard employees and truckmen, but excluding all supervisory employees, clerical employees, timekeepers, and production clerks, and excluding those employees who have since quit or been discharged for cause, to determine whether such employees in the Bond Plant desired to be represented by Amalgamated Association of Iron, Steel, & Tin Workers, Lodge 1199, affiliated with the Committee for Industrial Organization, or by American Radiator Company Employees Union, affiliated with National Federated Independent Union, for the purposes of collective bargaining, or by neither, and whether such employees in the Terminal Plant desired to be represented by Amalgamated Association of Iron, Steel, & Tin Workers, Lodge 1629, affiliated with the Committee for Industrial Organization, or by Cloverleaf Cooperative Union, for the purposes of collective bargaining, or by neither.

Pursuant to the Direction, elections by secret ballot were conducted on June 6, 1938, by the said Regional Director. Objections to the conduct of the elections were filed by the Company on the ground

¹ 7 N. L. R. B. 452.

8 N. L. R. B., No. 53.

that the Regional Director did not permit Company representatives to be present at either election for the purpose of challenging the eligibility of voters or for any other purpose. We are of the opinion that this refusal was not an abuse of discretion on the part of the Regional Director.² On June 9 and 11, 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 on June 13, 1938, served upon the parties Intermediate Reports on the elections. No objections or exceptions to the Intermediate Reports have been filed by any of the parties.

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

Bond Plant

| | |
|--|-----|
| Total number eligible to vote..... | 739 |
| Total number of ballots counted..... | 696 |
| Total number of votes in favor of Amalgamated Association of Iron, Steel, & Tin Workers Lodge No. 1199, affiliated with the Committee for Industrial Organization..... | 189 |
| Total number of votes in favor of American Radiator Company Employees Union, affiliated with the National Federated Independent Union..... | 473 |
| Total number of votes against union affiliation..... | 34 |
| Total number of blank votes..... | 5 |
| Total number of void ballots..... | 3 |
| Total number of challenged ballots..... | 39 |

Terminal Plant

| | |
|---|-----|
| Total number eligible to vote..... | 202 |
| Total number of ballots counted..... | 180 |
| Total number of votes in favor of Amalgamated Association of Iron, Steel, & Tin Workers Lodge No. 1629..... | 68 |
| Total number of votes in favor of Cloverleaf Cooperative Union..... | 102 |
| Total number of blank votes..... | 1 |
| Total number of void ballots..... | 0 |
| Total number of challenged ballots..... | 19 |
| Total number of votes for neither..... | 10 |

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, herein called the 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 American Radiator Company Employees Union, affiliated with National Federated Independent

² See *Matter of Fedders Manufacturing Company and Amalgamated Association of Iron, Steel, & Tin Workers of North America, Lodge 1753*, 7 N. L. R. B. 817; *Matter of Marlin-Rockwell Corporation and United Automobile Workers of America*, 7 N. L. R. B. 836.

Union, has been selected by a majority of the production and maintenance employees of American Radiator Company at its Bond Plant, Buffalo, New York, including shipping and yard employees and truckmen, but excluding all supervisory employees, clerical employees, timekeepers, and production clerks, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the Act, American Radiator Company Employees Union, affiliated with National Federated Independent Union, is the exclusive representative for all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment; and

IT IS HEREBY CERTIFIED that Cloverleaf Cooperative Union has been selected by a majority of the production and maintenance employees of American Radiator Company at its Terminal Plant, Buffalo, New York, including shipping and yard employees and truckmen, but excluding all supervisory employees, clerical employees, timekeepers, and production clerks, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the Act, Cloverleaf Cooperative Union is the exclusive representative for all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.