

In the Matter of ROMA WINE COMPANY and INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION

Case No. R-639

CERTIFICATION OF REPRESENTATIVES

July 27, 1938

On May 11, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled proceeding.¹ The Direction of Election provided that an election by secret ballot be conducted within twenty (20) days from the date of the Direction among such of the manual workers employed by Roma Wine Company, Inc., Lodi, California, herein called the Company, at its Lodi, California, winery, as were listed in appendix A annexed to said Decision, excluding office workers, teamsters, foremen, and those who had quit or been discharged for cause since March 24, 1938, to determine whether they desired to be represented by International Longshoremen's & Warehousemen's Union, Local 1-27, Stockton, California, herein called the I. L. W. U., or Winery & Distillery Workers Union, Local 20574, herein called the Winery Workers, for the purposes of collective bargaining, or by neither.

Pursuant to the Direction, an election by secret ballot was conducted on May 28, 1938, at Lodi, California, under the direction and supervision of the Regional Director for the Twentieth Region (San Francisco, California). Full opportunity was accorded to all parties to this investigation to participate in the conduct of the ballot and make challenges. On June 4, 1938, the Regional Director issued and served upon the parties her Intermediate Report upon the secret ballot.

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

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| Total number eligible to vote..... | 72 |
| Number of votes for International Longshoremen's & Warehousemen's Union, Local 1-27, C. I. O..... | 33 |
| Number of votes for Winery & Distillery Workers Union, Local 20574, A. F. L..... | 30 |
| Number of votes for neither of above organizations..... | 0 |
| Number of votes counted..... | 63 |
| Number of blank and void ballots..... | 0 |
| Number of challenged ballots..... | 4 |

¹ 7 N. L. R. B. 135.

8 N. L. R. B., No. 68.

The four challenged ballots were cast by voters whom the I. L. W. U. challenged as being foremen and hence not eligible to vote under the terms of the Direction of Election. The Regional Director caused these ballots to be sealed up and forwarded them to the Board for determination.

As to the voters whose ballots were challenged, the Company has informed the Regional Director by letter dated June 13, 1938, which the Regional Director has forwarded to the Board, that T. M. Bianchi, D. D. Turner, and W. Contenti are "straw bosses" or working foremen, and that Pete Bekedam acts as a "straw boss" when an extra shift is added in the bottling department. We find that the four above-named persons were ineligible to vote under the terms of our Direction, and their ballots will not be counted.

The Winery Workers by letter dated June 9, 1938, has asserted that certain persons who cast unchallenged ballots in said election had left the Company's employ prior to the hearing herein and were ineligible to vote. These persons, however, were named on the eligible list which was agreed to by both unions involved at the hearing on March 24, 1938, and evidently had some expectation of being recalled to work. Our Direction of Election excepted only those who had quit work after March 24, 1938. The objections of the Winery Workers are without merit.

CERTIFICATION OF REPRESENTATIVES

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 International Longshoremen's & Warehousemen's Union, Local 1-27, Stockton, California, has been selected by a majority of the manual workers employed by Roma Wine Company, Inc., Lodi, California, at its Lodi, California, winery, excluding office workers, teamsters, and foremen, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, International Longshoremen's & Warehousemen's Union, Local 1-27, Stockton, California, 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.