

In the Matter of NEW YORK AND CUBA MAIL STEAMSHIP COMPANY  
and UNITED LICENSED OFFICERS OF THE UNITED STATES OF AMERICA

Case No. R-121

CERTIFICATION OF REPRESENTATIVES

December 29, 1937

On March 6, 1937, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election<sup>1</sup> in the above entitled case. On March 27, 1937, the Board issued an Amended Direction of Election.<sup>2</sup> The Direction, as amended, directed that an election be conducted by the Regional Director for the Second Region (New York City) among the licensed engineers and the junior engineers, whether licensed or not, employed on the vessels operated by New York and Cuba Mail Steamship Company, New York City, herein called the Company, to determine whether they desired to be represented by United Licensed Officers of the United States of America, herein called U. L. O., or by National Marine Engineers' Beneficial Association, herein called M. E. B. A.

Pursuant to the Direction of Election, as amended, an election was conducted by the Regional Director beginning April 23, 1937. On June 12, 1937, the Regional Director, 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 to the proceedings an Intermediate Report on the election. Prior to this date, however, protests had been filed by M. E. B. A. on the conduct of the election. On August 14, 1937, after a hearing on the protests, the Board directed that a new election be conducted among the licensed engineers, for the reason that M. E. B. A. had introduced evidence at the hearing that a majority of the engineers had changed their affiliation during the course of and subsequent to the election. This Direction of Election<sup>3</sup> also stated that in conformity with the Board's decision in *Matter of American France Line et al.* and *International Seamen's Union of America*,<sup>4</sup> to which the Company was a party, the Board amended its finding on the appropriate unit to include only those engineers required to be licensed by the

<sup>1</sup> 2 N. L. R. B., 595.

<sup>2</sup> 2 N. L. R. B., 601.

<sup>3</sup> 2 N. L. R. B., 603.

<sup>4</sup> 3 N. L. R. B., 64.

United States Bureau of Marine Inspection and Navigation, and junior engineers who hold licenses.

On August 18, 1937, U. L. O. filed protests with the Board concerning the Board's direction of a new election among the licensed engineers. On October 1, 1937, after presentation of oral argument to the Board by all parties to the proceedings, the Board affirmed its Direction of Election<sup>5</sup> as to the engineers, amending the Direction of Election, however, to provide that a space be included on the ballot in which voters might indicate they did not wish either U. L. O. or M. E. B. A. to represent them.

On December 6, 1937, the Regional Director acting pursuant to Article III, Section 9, of National Relations Board Rules and Regulations—Series 1, as amended, issued and duly served upon the parties to the proceedings an Intermediate Report on the subsequent election. The Intermediate Report stated that U. L. O. had refused to participate in the election, contending that it should have been certified by the Board on the basis of the results of the first election. No objections or exceptions to the 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 to vote.....	37
Total number ballots cast.....	34
Total number votes for U. L. O.....	2
Total number votes for M. E. B. A.....	32
Total number votes for neither.....	0
Total number blank ballots.....	0
Total number void ballots.....	0
Total number challenged ballots.....	0

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 Marine Engineers' Beneficial Association has been designated and selected by a majority of the licensed engineers and the junior engineers who hold licenses employed on the vessels operated by New York and Cuba Mail Steamship Company, New York City, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, National Marine Engineers' Beneficial Association, 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>5</sup> 2 N. L. R. B., 606.