

In the 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

Case No. R-258

SUPPLEMENTAL DECISION

AND

DIRECTION OF ELECTION

January 10, 1938

By Decision dated October 15, 1937,¹ the National Labor Relations Board, as part of the investigation authorized to ascertain representatives for the purposes of collective bargaining with Fedders Manufacturing Company, directed the Regional Director for the Third Region, acting as agent for the National Labor Relations Board, and subject to said Rules and Regulations, to conduct an election by secret ballot among the production employees of the Fedders Manufacturing Company who appear on the pay-roll list of July 11, 1937, excluding foremen, assistant foremen and others in supervisory capacities, office workers, janitors, porters, shipping clerks, department clerks, clerks under foremen in the shop, engineers, draftsmen, nurses, watchmen, and all other salaried employees, and excluding the repair man at the Detroit, Michigan, office, but including the stockroom helper, to determine whether they desired to be represented by Lodge No. 1753, Amalgamated Association of Iron, Steel, and Tin Workers, affiliated with the Committee for Industrial Organization, or the Employees' Labor Organization of the Fedders Manufacturing Company for the purposes of collective bargaining, or by neither.

Pursuant to said Direction of Election, the Regional Director conducted an election by secret ballot on October 25, 1937.

As to the balloting among the above-designated employees and its results, the Regional Director reported as follows:

Total number eligible to vote.....	873
Total number of ballots cast.....	814
Ballots in favor of Employees' Labor Organization of Fedders Manufacturing Company.....	369

¹ 3 N L R B. 818

Ballots in favor of Lodge No. 1753, Amalgamated Association of Iron, Steel and Tin Workers, C. I. O.....	400
Ballots in favor of neither.....	41
Void Ballots.....	0
Blank Ballots.....	0
Challenged Ballots.....	4

In *Matter of Interlake Iron Corporation and Amalgamated Association of Iron, Steel, and Tin Workers, North America, Local No. 1657*,² the Board reaffirmed its policy of providing a space on the ballot, in elections involving two or more rival unions, in which a voter may indicate that he does not desire either of the named unions to represent him. The Board there stated that "in the event that the election in the present case results in none of the three preferences obtaining a majority of the votes cast, we will, upon the request of the labor organization receiving the greater number of votes, promptly direct a run-off election in which the ballot will allow employees the opportunity to vote for or against this organization."

In the instant case, a majority of the employees in the appropriate unit have indicated a desire to bargain collectively with the Company, though they have accorded neither of the rival unions a majority. It may be, therefore, that if given an opportunity to vote for or against the Amalgamated (which received the greater number of votes), the employees who did not, on the first ballot, vote for the Amalgamated because they desired to be represented by the E. L. O., will choose to be represented by the Amalgamated for the purposes of collective bargaining rather than to bargain individually.

On December 31, 1937, the Amalgamated, having received the greater number of votes, requested, by letter addressed to the Board, that a run-off election be held. 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 National Labor Relations Board by Section 9 (c) of National Labor Relations Act, 49 Stat. 449, 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 the Fedders Manufacturing Company, 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

² 4 N. L. R. B. 55.

Third Region, acting in this matter as agent for National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among the production employees of the Fedders Manufacturing Company who appear on the pay-roll list of July 11, 1937, excluding foremen, assistant foremen, and others in supervisory capacities, office workers, janitors, porters, shipping clerks, department clerks, clerks under foremen in the shop, engineers, draftsmen, nurses, watchmen, and all other salaried employees, and excluding the repair man in the Detroit, Michigan, office, but including the stock-room helper, to determine whether or not they desire to be represented by Lodge No. 1753, Amalgamated Association of Iron, Steel, and Tin Workers, affiliated with the Committee for Industrial Organization, for the purposes of collective bargaining.

MR. DONALD WAKEFIELD SMITH took no part in the consideration of the above Supplemental Decision and Direction of Election.