

In the Matter of AMERICAN FRANCE LINE et al. (SOUTHERN STEAMSHIP COMPANY) and INTERNATIONAL SEAMEN'S UNION OF AMERICA

Case No. R-157

SUPPLEMENTAL DECISION

ORDER

AND

CERTIFICATION OF REPRESENTATIVES

January 26, 1938

On July 16, 1937, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Elections¹ in the above-entitled case. The Direction of Elections directed that elections by secret ballot be conducted among the unlicensed personnel employed in the deck, engine, and stewards' departments, except wireless and radio operators, chief electricians on electrically driven ships, and junior engineers who hold licenses, on the vessels operated out of Atlantic and Gulf ports by 52 named companies, including Southern Steamship Company, Philadelphia, Pennsylvania. By a Supplemental Decision and Direction of Elections, issued September 17, 1937,² similar elections were directed to be held in nine additional companies. Supplemental or amended decisions have also been issued in this case on August 16, September 11, and November 10, 1937,³ dealing with various matters which need not be set forth in detail here.

Pursuant to these Decisions and Directions of Elections, an election by secret ballot has been conducted under the direction and supervision of Elinore Morehouse Herrick, the Regional Director for the Second Region (New York City), on the vessels operated out of Atlantic and Gulf ports by Southern Steamship Company. On January 3, 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 duly served upon the parties an Intermediate Report on the election.

¹ 3 N. L. R. B. 64.

² 3 N. L. R. B. 80.

³ 3 N. L. R. B. 44; 3 N. L. R. B. 76; and 4 N. L. R. B. 112, respectively.

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

Total number eligible to vote.....	134
Total number of ballots cast.....	132
Total number of votes in favor of International Seamen's Union of America, or its successor, affiliated with the American Federation of Labor.....	4
Total number of votes in favor of National Maritime Union of America, affiliated with the Committee for Industrial Organization.....	73
Total number of votes in favor of neither organization.....	51
Total number of blank ballots.....	1
Total number of void ballots.....	0
Total number of challenged ballots.....	3

On January 7, 1938, Southern Steamship Company filed objections to the balloting and to the Intermediate Report. The objections of the company are that no representative of the company was permitted to observe the balloting on the S. S. *City of Houston*, one of the seven vessels owned by the company. The Board has consistently held that in the absence of consent by the labor organizations involved, company representatives should not be permitted to be present at elections to determine collective bargaining representatives. The choice of representatives by employees should be made free from any interference or coercion by employers. The presence of an employer's representative at an election may prevent such a free choice, although no interference or coercion is intended by the employer. The Board has adopted means of conducting these elections whereby the interests of all parties, including the employer's, are adequately protected. Subsequent to the balloting on the S. S. *City of Houston*, the labor organizations named on the ballot agreed to permit a company representative to be present at the balloting on the remaining vessels of the company. Southern Steamship Company does not allege that the agents of the Board who conducted the election failed to conduct it in a proper manner or in conformity with the Board's requirements. The petition of the Southern Steamship Company that the ballot and Intermediate Report be set aside will, therefore, be dismissed.

ORDER

It is ordered that the petition of Southern Steamship Company be, and hereby is, dismissed.

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 National Maritime Union of America, affiliated with the Committee for Industrial Organization, has been selected by a majority of the unlicensed personnel employed in the deck, engine, and stewards' departments, except wireless and radio operators, chief electricians on electrically driven ships, and junior engineers who hold licenses, on vessels operated out of Atlantic and Gulf ports by Southern Steamship Company, Philadelphia, Pennsylvania, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, National Maritime Union of America, affiliated with the Committee for Industrial Organization, 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.