WE WILL NOT engage in surveillance of union meetings.

WE WILL NOT interrogate our employees concerning their union membership and activities, or threaten them with reprisals because of such activities.

WE WILL NOT in any other manner interfere with, restrain, or coerce our employees in the exercise of their right to self-organization, to form labor organizations, to join or assist International Union, United Automobile Workers of America, A. F. of L., or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment, as authorized in Section 8 (a) (3) of the Act, as guaranteed in Section 7 thereof.

WE WILL offer to James B. Johnson, Benton Mooneyham, and Dennis Mooneyham, immediate and full reinstatement to their former or substantially equivalent positions without prejudice to any seniority or other rights and privileges previously enjoyed, and make them and the following employees whole for any loss of pay suffered as a result of the discrimination.

James Houston
Floyd Jewell
Austin Bishop
Archie Harwood
Arthur Thomas

All our employees are free to become or remain members of International Union, United Automobile Workers of America, A. F. of L., or any other labor organization. We will not discriminate in regard to hire or tenure of employment or any term or condition of employment against any employee because of membership in or activity on behalf of any such labor organization.

HUNT HEATER CORPORATION,
Employer.

Dated..... By.....
(Representative) (Title)

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.

MANCHESTER KNITTED FASHIONS, INC. *and* INTERNATIONAL LADIES' GARMENT WORKERS UNION, AFL, Petitioner. Case No. 1-RC-3607. June 18, 1954

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before M. Alice Fountain, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.

2. The labor organization involved claims to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All production and maintenance employees at the Employer's Manchester, New Hampshire, plant, excluding all office clerical and plant clerical employees, guards, watchmen, professional employees, and supervisors as defined in the Act.

5. The Employer insists that the Board determine the place for conducting the election. It desires that the election be held on the Company's premises. The Union, on the other hand, contends that the election should be conducted off the Company's premises.

For many years, it has been the Board's customary practice to leave the selection of the time and place of elections, held pursuant to its direction, to the discretion of the Regional Director.[1] That practice is grounded upon administrative necessity. Those factors which determine where an election may best be held are peculiarly within the Regional Director's knowledge. His close view of the election scene, including the many imponderables which are seldom reflected in a record, is essential to a fair determination of this issue. We are convinced that it would be administratively unfeasible for the Board to make such determinations in every case.

The Union suggests that the Board deviate here from its customary practice because of the Employer's alleged "opposition to Unionization," the failure of this Union and other labor organization to win past elections held on the Company's premises, and the availability of other premises on which the election might conveniently be held. We find no evidence in this record of the Employer's "opposition to Unionization," and, indeed, the Board has never sustained any charges of unfair labor practices against this Employer. The fact that the employees have in the past rejected union representation is of no materiality. Lastly, the availability of other premises is but one factor for the Regional Director to consider in making his determination.

The Employer argues that both as a matter of convenience and fairness the election can best be held on its premises. It is these very matters of convenience and fairness, however, which the Regional Director is best qualified to resolve. As we see no reason for departing from our usual practice, we

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[1] See, e.g., Carmo Shoe Manufacturing Company, 56 NLRB 509, 511; Walker County Hosiery Mills, 56 NLRB 1242, 1244.

will accordingly leave the selection of the place of the election to the Regional Director's discretion.

The Regional Director is of course expected to make such a determination with a view to serving the best interests of all parties involved in the proceeding. However, if either party is able to show that the selection of the place for the election, when finally made by the Regional Director, is prejudicial, it may either file a motion for reconsideration by the Board, setting forth its objection thereto, or make such action by the Regional Director the subject of objections to the election.

[Text of Direction of Election omitted from publication.]

UNDERWOOD CORPORATION *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL, Petitioner *and* INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, CIO (IUE-CIO). Case No. 2-RC-6296. June 18, 1954

SUPPLEMENTAL DECISION AND CERTIFICATION OF REPRESENTATIVES

On March 9, 1954, pursuant to a Decision and Direction of Election[1] issued by the Board, an election by secret ballot among employees of the Employer in the unit found appropriate was conducted under the direction and supervision of the Regional Director of the Second Region. The tally of ballots shows that, of the 902 ballots cast, 106 were cast for the Petitioner, 455 were cast for the Intervenor, 321 were cast against the participating labor organizations, 16 ballots were challenged, and 4 ballots were void. Thereafter, the Employer filed timely objections to the election,[2] alleging in substance that the Petitioner and the Intervenor interfered with the free choice of a bargaining representative in that (1) they threatened and coerced the employees, and (2) they solicited and campaigned on company time and property during the election, and that (3) the Intervenor made speeches to the employees on the Employer's premises within 24 hours of the election, thereby violating the Board's rule in the Peerless Plywood case.[3]

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[1] 107 NLRB 1132.

[2] In agreement with the Regional Director, the Employer's fourth objection is overruled because it was not timely filed. General Electric Company, 103 NLRB 108.

The Employer also requests oral argument. In our opinion the record in the case, the exceptions, and the briefs fully present the issues and the positions of the parties. Accordingly, the request is denied.

[3] In Peerless Plywood Company, 107 NLRB 1127, the Board held that "employers and unions alike will be prohibited from making election speeches on company time to massed assemblies of employees within 24 hours of the scheduled time for conducting the election. Violation of this rule will cause an election to be set aside whenever valid objections are filed."