

**The Singer Company, Wood Products Division and Local 2705,  
United Brotherhood of Carpenters and Joiners of America,  
AFL-CIO, Petitioner. Case 26-RC-2227. November 14, 1966**

**SECOND SUPPLEMENTAL DECISION AND  
DIRECTION OF THIRD ELECTION**

Pursuant to a Supplemental Decision, Direction, and Order issued by the National Labor Relations Board on April 14, 1966,<sup>1</sup> and a notice of hearing issued by the Regional Director for Region 26, a hearing was held on May 24, 25, 26, 27 and June 2 and 3, 1966, at Jonesboro, Arkansas, before Hearing Officer Eugene L. Rosenfeld. All parties were afforded full opportunity to be heard, to examine and to cross-examine witnesses, and to introduce evidence bearing upon the issues.

On July 19, 1966, the Hearing Officer issued and served on the parties his report on objections to election. In his report the Hearing Officer recommended to the Board that Petitioner's objection 1 (with regard to the attitude survey), 2(A), 2(C), 2(I), and 3 be overruled, and that objection 1 (with regard to the publicizing of the grievance procedure), 2(B), (H), and (F) be sustained, and that the election conducted May 25, 1965, be set aside. Thereafter, the Employer filed timely exceptions and a brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Members Brown, Jenkins, and Zagoria].

The Board has reviewed the rulings of the Hearing Officer made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Hearing Officer's Report, the Employer's exceptions and brief, and the entire record in this case, and hereby adopts the findings, conclusions, and recommendations<sup>2</sup> of the Hearing Officer.

[The Board set aside the election conducted herein on May 25, 1965.]

[Text of Direction of Third Election omitted from publication.]

<sup>1</sup> Not published in NLRB volumes.

<sup>2</sup> The Employer, relying on *M W Breman, d/b/a Breman Steel Company and Breman Iron & Metal Company*, 115 NLRB 1581, urges that the Hearing Officer erred in considering conduct which occurred prior to the date of the direction of the second election in recommending that that election be set aside. The reliance is misplaced in that *Breman Steel* was implicitly overruled in *Ideal Electric and Mfg. Co.*, 134 NLRB 1275, and *Goodyear Tire and Rubber Co.*, 138 NLRB 453. Thus, the critical period for the second election begins running from the date of the first election. See *Northwest Engineering Company*, 148 NLRB 1136; *General Industries Electronics Company*, 152 NLRB 1029. Cf. *Red Ball Motor Freight, Inc.*, 157 NLRB 1237 (TXD footnote 50). Accordingly, we find the exceptions raise no issue which would warrant reversal of the Hearing Officer's findings and recommendations to set aside the election.