

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PITTSBURGH CORNING CORPORATION

Employer

and

Case No. 16-KC-3237

OIL, CHEMICAL AND ATOMIC WORKERS  
INTERNATIONAL UNION, AFL-CIO

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a stipulation for certification upon consent election, an election by secret ballot was conducted under the direction and the supervision of the Regional Director for the Sixteenth Region among the employees in the unit described below. Following the election, the Regional Director served upon the parties a tally of ballots, which showed that approximately 55 eligible voters, 31 were cast for, and 24 were cast against the Petitioner. The Employer filed timely objections to conduct affecting the results of the election.

In accordance with the Board's Rules and Regulations, the Regional Director conducted an investigation, and thereafter issued and duly served upon the parties his report on objections, in which he recommended that the objections be overruled, and that the Petitioner be certified as the exclusive bargaining representative in the stipulated unit. The Employer filed specific exceptions only as to the Regional Director's overruling objections 1 and 4.<sup>1/</sup>

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel.

Upon the entire record in this case the board finds:

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

<sup>1/</sup> In the absence of exceptions thereto, the Board adopts pro forma the Regional Director's recommendation that objections 2 and 3 be overruled.

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2. The Petitioner is a labor organization claiming 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 2(6) and (7) of the Act.

4. The parties stipulated, and we find, that all hourly production and maintenance employees employed at the Employer's Owatonna, Texas plant, excluding all office clerical, professional employees, plant protection, and supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

5. We agree with the Regional Director that as the instant petition was filed prior to September 17, 1962, conduct which occurred prior to the date of the execution of the stipulation cannot be considered as a basis for overturning the election.<sup>2/</sup> Accordingly, we shall adopt the Regional Director's recommendation and overrule the Employer's objection relating thereto.<sup>3/</sup> As all the objections have been overruled, and as the Petitioner has secured a majority of the valid ballots cast, we shall certify it as the collective-bargaining representative in the above unit.

#### CERTIFICATION OF REPRESENTATIVES

IT IS HEREBY CERTIFIED that the Oil, Chemical and Atomic Workers International Union, AFL-CIO, has been designated and selected by a majority of the employees of the Employer in the unit herein found appropriate as their representative for the purpose of collective bargaining, and that pursuant to Section 9(a) of the Act, the said labor organization is the:

<sup>2/</sup> See Tennessee Poachers, Inc., 123 NLRB 1755; Goodyear Tire and Rubber Company, 138 NLRB No. 59.

<sup>3/</sup> The Employer's exceptions, in our opinion, raise no material and substantial issues which would warrant reversal of the Regional Director's recommendations.

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exclusive representative of all the employees in such unit for purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

Dated, Washington, D. C. DEC 31 1962

Frank W. McCulloch, Chairman

Philip Ray Rodgers, Member

John H. Penning, Member

NATIONAL LABOR RELATIONS BOARD

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