

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

KARAHADIAN & SONS, INC.,	)	
	)	
Employer,	)	Case No. 77-RC-13-C
	)	
and	)	
	)	5 ALRB No. 66
	)	
UNITED FARM WORKERS OF AMERICA,	)	
AFL-CIO,	)	
	)	
Petitioner.	)	
	)	

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DECISION ON OBJECTIONS AND CHALLENGED BALLOTS

Pursuant to the provisions of Labor Code Section 1146, the Agricultural Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Following a petition for certification filed by the United Farm Workers of America, AFL-CIO (UFW), on June 17, 1977, a representation election was conducted on June 24, 1977, among the agricultural employees of the Employer, Karahadian & Sons, Inc. (Employer). The tally of ballots showed the following results:

UFW	121
No Union	169
Challenged Ballots	64
Void	0

Thereafter, both parties timely filed objections to the election.

As the number of challenged ballots was sufficient to determine the outcome of the election, the Regional Director conducted an investigation and issued his Report on Challenged

Ballots. In Karahadian & Sons, Inc., 5 ALRB No. 19, this Board resolved 16 of the challenged ballots, and subsequently an amended tally of ballots was issued, which showed the following results:

UFW	128
No Union	175
Challenged Ballots	48
Void Ballots	0

As the number of challenged ballots was still sufficient to determine the outcome of the election, the Regional Director conducted a further investigation and issued his Second Report on Challenged Ballots on June 8, 1979. The Employer filed timely exceptions to the Report and a supporting brief.

As to four of the alleged economic strikers, we find nothing in the Employer's exceptions or brief which calls into question the findings or recommendations of the Regional Director, which are based on the Employer's own payroll records. Therefore, we affirm the Regional Director's recommendations and hereby sustain the challenges to the ballots of Felipe M. Martinez, Rafael Farias Torres, Jose Felix Martinez and David Perez.

As we have sustained these four challenges, the "No Labor Organization" choice on the ballot has received a majority of the valid votes cast in the election, so it is unnecessary to resolve the remaining challenged ballots. The final tally of ballots is as follows:

UFW	128
No Union	175
Challenged Ballots	44
Void Ballots	0

In view of our finding that a majority of the valid votes were cast for "No Labor Organization," and because more than one year has lapsed since the election, we hereby dismiss the objections to the election as moot.

Dated: November 1, 1979

GERALD A. BROWN, Chairman

RONALD L. RUIZ, Member

JOHN P. McCarthy, Member

CASE SUMMARY

Karahadian & Sons, Inc.

5 ALRB No. 66

Case No. 77-RC-13-C

REGIONAL DIRECTOR'S REPORT

On June 24, 1977, a representation election was conducted among the agricultural employees of the Employer. Following investigation of the challenged ballots, the Regional Director issued his Report on Challenged Ballots. In 5 ALRB No. 19, the Board considered the issues raised by the challenged ballots, and directed that three challenges be sustained, that 13 be overruled, and that resolution of 48 other challenges be deferred pending further investigation. An amended tally of ballots showed: UFW-128 votes; No Union-175 votes; challenged ballots-48. As the unresolved challenged ballots were still sufficient in number to determine the outcome of the election, the Regional Director conducted further investigation, and thereafter issued his Second Report on Challenged Ballots. The Challenges fell into three categories: not on eligibility list; alleged supervisors; and economic strikers. The Regional Director recommended that 27 challenges be overruled and that 5 be sustained, but he made no recommendation as to the remaining 16 challenged ballots. The Employer filed timely exceptions to the Regional Director's Second Report.

BOARD DECISION

In its Decision, the Board directed that the challenges to the ballots of four voters alleged to be economic strikers be sustained. The Board found nothing in the Employer's exceptions or brief which called into question the Regional Director's findings or recommendations, and noted that the Regional Director had relied on the Employer's own payroll records.

As a result of its sustaining the aforementioned four challenges, the Board found that a majority of the valid votes had been cast for "No Labor Organization," and because more than one year had lapsed since the election, i.e., as there is no election bar in effect, it dismissed as moot the objections previously filed to conduct affecting the election.

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This Case Summary is furnished for information only and is not an official statement of the case, or of the ALRB.

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