

In the Matter of UNITED STATES COAL & COKE COMPANY and UNION
OF LYNCH EMPLOYEES and UNITED MINE WORKERS OF AMERICA

Cases Nos. R-212 and R-213

Mr. Leonard S. Shore and Mr. Charles Ryan for the Board.

Mr. Donald Dinning, of Louisville, Ky., for the Company.

Mr. John Young Brown, of Lexington, Ky., for the United Mine Workers of America.

Mr. Cleon K. Calvert, of Pineville, Ky., for the Union of Lynch Employees.

Mr. Julius Schlezinger, of counsel to the Board.

DIRECTION OF ELECTION

August 26, 1937

The National Labor Relations Board, having found that a question affecting commerce has arisen concerning the representation of employees of United States Coal & Coke Company, Lynch, Kentucky, and that such employees, exclusive of check weighmen and technicians, administrative, clerical, and supervisory employees (including fire bosses), and high school and college students temporarily employed for the period of their summer vacation, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act, 49 Stat. 449, and acting pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of said Act, and pursuant to Article III, Section 8 of National Labor Relations Board Rules and Regulations—Series 1, as amended, hereby

DIRECTS that, as part of the investigation authorized by the Board to ascertain representatives for the purposes of collective bargaining with United States Coal & Coke Company, an election by secret ballot shall be conducted within a period of twenty (20) days after the date of this Direction of Election, under the direction and supervision of the Regional Director for the Ninth Region, acting in this matter as the agent of the National Labor Relations Board and subject to Article III, Section 9 of said Rules and Regulations—Series 1, as amended, among the Lynch, Kentucky, employees of United States Coal & Coke Company, exclusive of check weighmen and technicians, administrative, clerical, and supervisory employees (including fire

bosses), and high school and college students temporarily employed for the period of their summer vacation, on the pay roll of United States Coal & Coke Company as of July 1, 1937, to determine whether they desire to be represented by United Mine Workers of America, Local No. 7425, or by Union of Lynch Employees.

MR. EDWIN S. SMITH took no part in the consideration of the above Direction of Election.

[SAME TITLE]

AMENDMENT TO DIRECTION OF ELECTION

September 11, 1937

On August 26, 1937, the National Labor Relations Board, herein called the Board, issued a Direction of Election in the above-entitled case, the election to be held within a period of twenty (20) days from the date of the Direction, among the Lynch, Kentucky, employees of the United States Coal & Coke Company, exclusive of check weighmen and technicians, administrative, clerical, and supervisory employees (including fire bosses), and high school and college students temporarily employed for the period of their summer vacation, on the pay roll of the United States Coal & Coke Company as of July 1, 1937, to determine whether they desire to be represented by United Mine Workers of America, Local No. 7425, or by Union of Lynch Employees. On the same day, the United Mine Workers of America, Local No. 7425, herein called the Union, filed charges with the Regional Director for the Ninth Region, alleging that the United States Coal & Coke Company engaged in unfair labor practices constituting an interference with the election in violation of Section 8, subdivisions (1), (2), (3), (4), and (5) of the National Labor Relations Act, 49 Stat. 449. Subsequently the Union petitioned the Board to postpone the election pending an investigation of the charge.

To insure to the employees of the Company a free choice in selecting representatives for the purposes of collective bargaining, we hereby direct that the election which on August 26, 1937, was directed by us to be held among the employees of the United States Coal & Coke Company be postponed until further notice. The Direction of Election is hereby amended by striking therefrom the words "within a period of twenty (20) days after the date of this Direction of Election" and substituting in lieu thereof the words "at such time as the Board will in the future direct."

CHAIRMAN MADDEN took no part in the consideration of the above Amendment to Direction of Election.