

STATE OF RHODE ISLAND

BEFORE THE STATE LABOR RELATIONS BOARD

In the MATTER of :
: City of Cranston School Department Employer:
: - and - :
: CASE NO. EE-3209
Rhode Island Council 94, AFSCME Petitioner:
: - and - :
:
National Association of Government Employees:

D E C I S I O N

- and -

O R D E R

The above matter came on to be heard on certain objections to an election held on July 26, 1978, in which two (2) unions were seeking to represent certain employees in the City of Cranston School Department. As a result of the election National Association of Government Employees received 69 votes and Council 94, AFSCME received 39 votes. Within the time prescribed by our rules and regulations, Council 94, AFSCME filed an objection to that election basing its objections on the fact that representatives of National Association of Government Employees either locally or on the Federal level had distributed certain material, otherwise known as "Flyers" to those employees who would be participating in the election.

Subsequently, this Board held hearing on August 15, 1978 concerning this matter at which time oral testimony and documentary evidence was presented.

We have received the transcript containing said evidence and testimony and have come to the conclusion that the challenger has

failed to prove that the outcome of the election was affected by the mailing of these "Flyers."

Although there was some reference to misleading material contained in the flyers, the Petitioner produced no testimony to demonstrate that the flyers or other literature had influenced or interfered with anybody's freedom of choice during the election.

In addition, if in fact, the Petitioner had felt, prior to the election, that the flyers were misleading the transcript shows that there certainly was ample time to correct it. Neither does the record disclose that any objection was lodged prior to or during the course of the election concerning distribution of these flyers.

Consequently, on the basis of the foregoing, we make the following Findings of Fact and Conclusion of Law.

FINDINGS OF FACT

1. The Cranston School Department is a duly constituted employer within the City of Cranston, a municipal corporation duly organized under the Constitution and the General Laws of Rhode Island, with its headquarters located at the Superintendent's Office, 845 Park Avenue, Cranston, Rhode Island.

2. Rhode Island Council 94, AFSCME, AFL-CIO is a labor organization which exists and is constituted for the purpose, in whole or in part of collective bargaining and of dealing with employers in grievances or other mutual aid or protection.

3. National Association of Government Employees is a labor organization which exists and is constituted for the purpose, in whole or in part of collective bargaining and of dealing with employers in grievances or other mutual aid or protection.

4. That an election was held on July 26, 1978 among certain employees employed in the City of Cranston School Department.

5. That the results of said election resulted in 69 ballots being cast for National Association of Government Employees and 39 ballots being cast for Council 94, AFSCME, AFL-CIO.

6. That three ballots were cast for no union and one ballot was challenged.

7. That certain so-called flyers were distributed by NAGE no later than 48 hours prior to the election.

8. That the so-called flyers did not influence or interfere with the conduct of the election.

9. That the so-called flyers did not affect the outcome of said election.

10. That no complaints concerning these flyers were made to representatives of the Rhode Island State Labor Relations Board at any time prior to or during the conduct of said election.

CONCLUSION OF LAW

That there is nothing in the evidence or in the documents presented to this Board to warrant the setting aside of the election or the invalidating of the election and this being so, all of the Petitioner's objections to the election are over-ruled and dismissed.

O R D E R

- and -


CERTIFICATION OF REPRESENTATIVE

By virtue of and pursuant to the power vested in the Rhode Island State Labor Relations Board by the Rhode Island State Labor Relations Act, it is hereby

ORDERED, that the Objections filed by Rhode Island Council 94, AFSCME concerning the election conducted on July 26, 1978 be, hereby are, dismissed and it is hereby

CERTIFIED, that the National Association of Government Employees has been designated and selected as representative for the purpose of collective bargaining by a majority of all employees within the City of Cranston School Department as follows: "All non-certified employees including, custodians, matrons, cafeteria workers, ground keepers, laborers and stock clerks; excluding clerks, business manager, assistant business manager, supervisor of custodians, plant engineer, data processing director, supervisor of transportation and administrative assistant."

RHODE ISLAND STATE LABOR RELATIONS BOARD


MEMBER


MEMBER

Entered as Order of
the Rhode Island State
Labor Relations Board

DATED: September 6, 1978

BY: 
ADMINISTRATOR