

that ballot void.

CHALLENGES OVERRULED - NO EXCEPTIONS

The regional director recommended overruling the challenges to the 49 persons listed in Schedule B. As there were no exceptions, we order that these ballots be opened and counted.

OTHER CHALLENGES OVERRULED

The UFW excepted to the recommendation that the challenges to tractor drivers Joe Brooks and Ronald Dann be overruled. The exception is based on the claim that these workers "are clearly managerial or confidential employees since they work on a more regular basis and are paid differently from other employees." We do not agree that workers who work longer than the harvest season and "are paid differently" should be disenfranchised. The UFW has presented no evidence which raises an issue as to the managerial or confidential status of these employees. We accept the recommendation of the regional director and order these ballots to be opened and counted.

The UFW excepted to the regional director's recommendation that the challenges to 25 truck drivers be overruled on the ground that they may be commercial drivers. Since the exceptions do not specify that any of these 25 drivers haul produce for any grower other than Anderson Farms, we accept the recommendation and order that these ballots be opened and counted.^{1/}

^{1/} These are the first 25 names on Schedule C. The challenged ballot report states the ballots of Fred Nash and David Rathja are missing.

The regional director recommended overruling the challenges to 10 mechanics and 7 maintenance workers. The UFW excepted on the same basis as they did the truck drivers. Since the UFW did not support these exceptions with any evidence that any of these employees was specifically involved in a commercial operation, we accept the recommendation and order that these 17 ballots be opened and counted.^{2/}

The UFW excepted to the recommendation that the challenges to cooks Ruth Sanchez and Estell Serrano and to janitor Miguel Serrano be overruled. Once again the UFW claimed that further investigation is needed. Since the UFW does not support its exception, we adopt the regional director's recommendation and order that the votes' of these three workers be counted.

The UFW excepted to the recommended overruling of the challenge to Charolette Morris. The UFW claims that she is a confidential employee based on Ms. Morris' testimony at the hearing in regard to Anderson Farms Company, 75-RC-15-S, in which she described her duties as secretary to John Anderson, Sr., head of the Woodland operation of Anderson Farms. Since this testimony raises a factual issue as to Morris' confidential status and we do not have sufficient information to make that determination, we do not resolve the challenge to Charolette Morris at this time.

Eleven other clerical workers were challenged. The regional director recommends overruling these challenges, finding these employees to be office personnel performing routine clerical

^{2/} The names of these 17 persons are listed on Schedule C, numbers 26-42.

work. The UFW once again excepted on the ground that further investigation is needed to determine whether these people work for operations other than the employer's agricultural concerns. Once again we find that the exceptions do not raise a factual issue since they do not specify any particular persons. They are simply too speculative to warrant further investigation.

We order that the ballots of these 11 clerical workers be opened and counted.

CHALLENGES NOT DETERMINED

The regional director made no recommendation as to the challenges to Marie Garcia, Francis Warden, Angelina Zamora, Isidro Parra, Jim Weiner, Robert Beck, Edywene David, and Randall Kay. The parties excepted to the lack of a recommendation as to several of these people. The exceptions raise factual issues, but we are unable to make a final determination without further investigation. If these event votes plus the vote of Charolette Morris are sufficient to affect the outcome of the election after the counting of the ballots ordered today, we direct the regional director to conduct a further investigation.

Dated: June 20, 1977

ROBERT E. HUTCHINSON, Member

RICHARD JOHNSEN, JR., Member

RONALD L. RUIZ, Member

SCHEDULE A

CHALLENGES SUSTAINED - NO EXCEPTIONS

1. Michelet, Raymond
2. Muller, Tom
3. Gasperson, Iven
4. Middlekauff, Jeffrey
5. Gasperson, Doyle
6. Ledesma, Jesus
7. Moore, John M.
8. Serrano, Luis A.
9. Cheverria, Teresa
10. Canela, Roy
11. De Wit, Jack
12. Olander, Carl
13. Shaaf, Philip
14. Worth, Earl
15. Rufer, Chris
16. Markman, . Mercer R.
17. Chapa, Manuel
18. Flores, Jess
19. Garcia, Christine
20. Sakurada, Marie
21. Villanueva, Margie
22. Inzunza, Franciso Perez
23. Acosta, Antonio
24. Chavez, . Emilio H.
25. Figueroa, Gustavo F.
26. Garcia, Juan M.
27. Hernandez, Jose R.
28. Garcia, Jose
29. Garcia, Jose V.
30. Johnson, Walter
31. Duffy, Michael
32. Fagan, Mike
33. Jensen, Peter
34. Kaupke, Marilyn
35. Keating, David
36. Moore, Steven
37. Rios, Paula
38. Rios, Thomas
39. Stabenfeldt, Dave
40. Stevenson, Michael
41. Van Patten, Scott
42. Weaver, Kim
43. Kline, Don
44. Staddin, Author
45. Savala, Emily

SCHEDULE B

CHALLENGES OVERRULED - NO EXCEPTIONS

1. Bustillos, Carmen
2. Garcia, Ruben
3. Santana, Antonio, Garcia
4. Vasquez, Antonio
5. Vuittonet, Juan
6. Vuittonet, Ricardo
7. Waechter, Rhonda
8. Angel, Esteban Topete
9. Landeros (Landers), Rosa A.
10. Scroggin, May
11. Walls, Concepcion
12. Gallardo, Marcelino
13. Conrique, Arturo
14. Gomez, Conrado
15. Jimenez, Doroteo, Jr.
16. Lara, Panfilo
17. Roa, Fernando
18. Rocha, Daniel
19. Terrazas, Esp'eranza
20. Garcia, Luis
21. Garcia, Rafael
22. Martinez, Esperanza
23. Martinez, Fernando
24. Martinez, Martha
25. Martinez, Ortencia
26. Ortiz, David C.
27. Zamora, Javier M.
28. Landeros, Manuel
29. Hardin, Ralph
30. Hernandez, Maria
31. Hernandez, Ramon
32. Munoz, Ramon
33. Ramos, Rigoberto L.
34. Lopez, Filiberto M.
35. Salas, Ruben
36. Bragg, Donna L.
37. Ganzalez, Victor
38. Azevedo, Manuel
39. Bravo, Luis
40. Miles, Clifford
41. Green, Lucky L.
42. Rodriguez, Gregorio
43. Baeza, Ramon
44. Bravo, Raul L.
45. Casteel, Earl
46. Gigulere, Charles
47. Vacca, Ronald C.
48. Castaneda, Jose
49. Villanueva, Paula G.

SCHEDULE C

OTHER CHALLENGES OVERRULED

1. Bauchaus, Clifford
2. Barton, Alan
3. Beechan, James
4. Beetem, Graham
5. Birtcil, Richard
6. Christensen, Doug
7. Clark, Rodman
8. Dahl, Marvin
9. Dirks, Kevy
10. Fain, Paul R., Jr.
11. Fletcher, Donald
12. Gould, Larry
13. Herman, Kenneth
14. Tracy, Tom
15. Jones, Thomas
16. Martin, Donald
17. Martinez, Hilario
18. Powers, Robert
19. Raglin, Mervin
20. Nash, Fred
21. Rathja, David
22. Rathja, Bob
23. Rocquemore, Kenneth
24. Seeber, Dale
25. Serrano, Raul
26. Baeza, Enrique H.
27. Chavez, Guadalupe J.
28. Donahue, Lee Roy
29. Gallagher, James J.
30. Kazen, Frankie
31. Martin, Donald
32. Mathis, Rodney
33. McGee, Walter I.
34. Rollins, M. E.
35. Fain, Paul R., Sr.
36. Casias, Max
37. Arizaga, Fidel
38. Magenheimer, John
39. Medina, Julio A.
40. Moricz, Steve
41. Venegas, Elias
42. Warden, Gregory L.
43. Nichols, Nancy
44. Smith, Ann
45. Yule, Norma
46. Dudman, Lois G.
47. Kellicutt, Tony
48. Nelson, Shelly
49. Stearns, Elizabeth
50. Michelet, Sarah C.
51. Muller, Donna
52. Savala, Sarah A.
53. Hutchins, Phillis K.

3 ALRB No. 48

54. Brooks, Joe
55. Dann, Ronald
56. Sanchez, Ruth
57. Serrano, Estell
58. Serrano, Miguel