

appropriate time, withdraw from the broad unit and thereafter bargain on a single-employer basis. Likewise, a union may serve notice at an appropriate time of its intent to cease bargaining on a multi-employer basis and thereafter bargain in single-employer units. Units broader than single employers may be particularly appropriate to certain phases of agriculture and the parties may well agree since it would be in their mutual interest.

In the unlikely event that they do not, the committee might wish to explore the possibility of permitting the Board to formulate bargaining units in the field of agriculture on a broader and different basis from those which the present act allows, such as multiemployer units other than those obtained by consent of the parties, or production- or marketing-area units.

BARGAINING UNIT

In agriculture, with collective bargaining history still to be made and patterns of bargaining not yet developed, analogies to related or similar industries may assist the Board in establishing appropriate units. That is the appropriate grouping of employers for an election and collective bargaining.

In general, the Board seeks to include in the unit employees who share common interests, similarity of skills and working conditions, duties, common supervision, and so forth.

In seasonal migratory industries, the primary factors are (1) the expectancy of reemployment in the future and (2) the extent to which the interests of the seasonal employees are similar to the nonseasonal employees. Thus, where the employer draws from the same labor force each season and former employees are given preference in rehiring or recall, the Board as a general rule finds that the community of interest with the permanent employers is sufficient to warrant inclusion of the seasonal employees in the unit with nonseasonal or year-around employees.

In order to determine questions relating to the likelihood of return of employees from season to season, the Board routinely takes evidence on this subject in these cases. For example, in California Vegetable Concentrates, an employee engaged in processing of vegetables, the company operated on a year-round basis with a permanent complement of between 240 and 290 employees. Also, seasonal employees were regularly employed each year from August to November with peak employment of about 600 seasonals usually occurring in October.

The employer did not maintain a recall list of seasonals but it did give hiring preference to former seasonal employees who were known to be reliable workers. Also, between 20 and 50 seasonals became permanent employees each year.

Of 270 seasonals on the September 1961 payroll, over 50 percent had worked during the 1960 season.

In its decision, the Board included the seasonal employees in the unit in accordance with the usual practice in this industry.

SHOWING OF INTEREST

The Board's normal practices require the petition of the union to show that at least 30 percent of the employees in the unit wish to be represented by the union.