

The purpose of this rule is to avoid spending the taxpayers' money on an election unless there is reasonable ground to believe that a substantial number of employees are interested.

In seasonal industry cases, however, the Board's policy does require a showing only among those employed in the unit at the time the petition is filed. This policy recognizes the practical, special problems incident to the conduct of elections in seasonal industries where the Board seeks to have the election conducted at the peak of the season in order to allow a maximum of employees in the unit to vote.

Accordingly, if a cannery began its operations in May with 100 employees, built up to a peak of 500 employees in September, and the union filed its petition in May, the Board would require a 30-percent showing or 30 cards among the 100 employees employed at the time the petition was filed.

This would allow for a hearing to be held in the event the parties did not consent to an election and an election to be directed among the 500 employees during the peak of the season in September.

ELIGIBILITY TO VOTE

The general rule governing eligibility to vote in seasonal industries is to vote those employees employed during the payroll period immediately preceding the date of issuance of the notice of election and who are employed on the date of the election.

The application of this practice to agricultural workers would have to be carefully examined to be sure that it does not disenfranchise significant numbers of employees. For example, the peak of the season for the harvesting of the crop of a large grower may occur in the last half of August. The eligible payroll period may be set for the third week in August with the election to be held on August 30.

Accordingly, to be eligible to vote under present policy a worker's name must appear on the payroll for the third week. Thus, if a migratory worker during the designated payroll period was not employed by this grower because he was engaged in the same area in winding up the harvesting of another crop or was migrating from another area, he would not be eligible to vote even though he began work during the next payroll period and was employed on election day and remained at work several days to finish the crop.

It would appear that if there were a number of true migratory workers in this category that the Board would have to accommodate its eligibility policies to such circumstances.

On the other hand, the Board would want to know whether or not this eligibility rule would give a vote to those who may not have a common interest in the work.

Therefore, the status of part-time and casual employees as distinguished from the seasonal workers in agriculture will also have to be studied.

TIMING OF ELECTION

To allow a maximum number of employees to vote the present rule in seasonal industries is to conduct the election at the peak of the season. Timing the election at the harvest peak is also based on the assumption that the seasonal employees are genuinely interested in the