

In the Matter of RELIANCE MANUFACTURING COMPANY and INTERNATIONAL LADIES GARMENT WORKERS UNION

*Case No. 9-R-1174.—Decided September 29, 1943*

*Mr. Julius Holzberg*, of Cincinnati, Ohio, for the Union.  
*Miss Viola James*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Ladies Garment Workers Union, affiliated with the American Federation of Labor, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Reliance Manufacturing Company, Huntington, West Virginia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas E. Shroyer, Trial Examiner. Said hearing was held at Huntington, West Virginia, on September 8, 1943. Prior to the hearing, counsel for the Company, who made no appearance, moved for a continuance. The Trial Examiner denied the motion. His action is hereby sustained.<sup>1</sup> The Union appeared and participated; all parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. The parties were afforded opportunity to file briefs with the Board.

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<sup>1</sup> From telegrams introduced into the record, it appears that the Company unnecessarily attempted to delay the proceedings, both as to a prehearing conference of the parties and as to the hearing. Under these circumstances we conclude that the Trial Examiner's ruling denying the motion for a continuance was not an abuse of his discretion, nor do we find that any prejudicial error was committed thereby. We also note that since the date of the hearing, the Company has offered no further objection to the holding of the hearing in the absence of its counsel.

Upon the entire record in the case, the Board makes the following:

## FINDINGS OF FACT

### I. THE BUSINESS OF THE COMPANY

Reliance Manufacturing Company, an Illinois corporation, operates several plants throughout the United States including its plant at Huntington, West Virginia, which is the plant involved herein. This plant is normally engaged in the manufacture of cotton dresses. In addition to cotton dresses it now manufactures other garments under contracts with the United States Government. During the last year the principal raw materials used were cotton textile threads and acetate rayons, of which over 90 percent, exceeding \$100,000 in value, was received from sources outside the State of West Virginia. During the same period over 85 percent of the finished products, valued at more than \$100,000, was shipped to points outside the State of West Virginia. We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

### II. THE ORGANIZATION INVOLVED

International Ladies Garment Workers Union, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

### III. THE QUESTION CONCERNING REPRESENTATION

On June 28, 1943, the Union notified the Company that a majority of the employees had selected it as their exclusive representative, and requested a bargaining conference. The Company made no reply. A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>2</sup>

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

### IV. THE APPROPRIATE UNIT

In substantial accord with the contention of the Union, we find that all production employees, including operators, pressers, folders, boxers,

<sup>2</sup> The Field Examiner reported that the Union submitted 577 application-for-membership cards, all bearing apparently genuine original signatures. That 417 bore dates in 1943, 131 bore dates in 1942, and the remainder bore dates prior to 1942 or were undated. Although the Company did not submit a pay roll for the cards to be checked against, it admitted that there are approximately 700 employees in the Union's claimed unit.

bundle girls, belt boys and girls, and all other employees engaged in actual production, but excluding clerical, maintenance and efficiency employees, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

#### DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Reliance Manufacturing Company, Huntington, West Virginia, an election by secret ballot shall be conducted as early as possible but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Ninth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause, to determine whether or not they desire to be represented by International Ladies Garment Workers Union, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.