

In the Matter of RELIANCE MANUFACTURING Co. and UNITED GARMENT  
WORKERS OF AMERICA, AFFILIATED WITH THE A. F. OF L.

*Case No. 15-R-988.—Decided October 15, 1943*

*Mr. M. G. Sparks*, of Laurel, Miss., and *Mrs. Mary S. Densmore*, of  
Birmingham, Ala., for the Union.

*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Garment Workers of America, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Reliance Manufacturing Co., Laurel, Mississippi, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Mortimer H. Freeman, Trial Examiner. Said hearing was held at New Orleans, Louisiana, on October 1, 1943. The Union appeared at and participated in the hearing.<sup>1</sup> 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. All parties were afforded opportunity to file briefs with the Board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Reliance Manufacturing Co. is engaged in the manufacture of men's clothing, work shirts and pants in the States of Alabama, Indiana, Iowa, Pennsylvania, and Mississippi. We are here concerned with its plant at Laurel, Mississippi. During the 12-month period

<sup>1</sup> Although the Company was served with notice of hearing, it did not appear. Counsel for the Company advised the Regional Director that the Company waived its appearance.

preceding October 1943, the Company purchased raw materials for use at its Laurel plant valued in excess of \$250,000, approximately 90 percent of which was shipped to it from points outside the State of Mississippi. During the same period the Company sold products manufactured at its Laurel plant valued in excess of \$500,000, about 90 percent of which was shipped to points outside the State of Mississippi.

## II. THE ORGANIZATION INVOLVED

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

## III. THE QUESTION CONCERNING REPRESENTATION

On July 20, 1943, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the employees at the Laurel plant. The Company refused this request until such time as the Union is certified by the Board.

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 National Labor Relations Act.

## IV. THE APPROPRIATE UNIT

The Union urges that all production and maintenance employees at the Laurel plant of the Company, excluding clerical employees, foreladies, foremen, and superintendents, constitute an appropriate unit. As stated above the Company did not appear at the hearing. Evidence introduced at the hearing shows that the employees claimed by the Union constitute a well-defined homogeneous group.

We find that all production and maintenance employees at the Laurel plant of the Company, excluding clerical employees, superintendents, foreladies, foremen, and any other 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.

<sup>2</sup> The Field Examiner reported that the Union presented 193 membership-application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll for the period ending August 27, 1943. There are approximately 315 employees in the appropriate unit.

## 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 Co., Laurel, Mississippi, 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 Fifteenth 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 United Garment Workers of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining.