

In the Matter of INDIANAPOLIS GLOVE COMPANY and INTERNATIONAL
GLOVE WORKERS LOCAL #89 (AFL)

Case No. 8-R-1237.—Decided October 27, 1943

Mr. Fae W. Patrick, of Indianapolis, Ind., for the Company.

Mr. Thomas Durian, of Milwaukee, Wis., for the Union.

Miss Olive N. Barton, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Glove Workers Local #89 (AFL), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Indianapolis Glove Company, Coshocton, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William O. Murdock, Trial Examiner. Said hearing was held at Coshocton, Ohio, on September 29, 1943. The Company and the Union appeared, participated, and 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. Opportunity was afforded all parties 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

The Indianapolis Glove Company is an Indiana corporation, engaged in the manufacture and sale of work gloves. The Company owns and operates eight plants in Ohio and in Indiana. Over 90 percent of the raw materials, consisting of leather and cotton materials, used in the Ohio plants comes from points outside the State of Ohio; the value of this material annually used in all the plants amounts to

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\$250,000. The value of the finished products annually made exceeds \$500,000. About 95 percent of the gloves manufactured in Ohio is shipped to points outside the State of Ohio. The only plant here involved is the Coshocton plant at Coshocton, Ohio.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

The International Glove Workers Local #89 is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about July 12, 1943, the Union requested the Company by letter to enter into bargaining relations. The Company refused pending the Board's certification of the Union as the sole bargaining agent for the Company's employees.

A statement prepared by the Field Examiner, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit herein found appropriate.¹

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

The parties agree that production and maintenance employees, including watchmen-janitors, but excluding office and supervisory employees, constitute an appropriate unit. However, they disagree as to the supervisory nature of the work of certain employees.

As regards Pauline McCoy, forelady of the sewing room, and Jennie Barrett, forelady of the finishing room, the Company contends that they have no real supervisory authority because they cannot hire and discharge and that although they can recommend such action, any other employee can do the same, and that the real source of authority is the plant manager. The Union, on the other hand, maintains that the foreladies can, and do, recommend both as to hiring and discharge and notify employees of discharge and of disciplinary action. There are about 65 employees under McCoy in

¹ The Field Examiner reported that the Union submitted 91 application-for-membership cards, of which 79 bore names corresponding to names on the Company's pay roll of about September 20, 1943. Of these, 70 appeared to be genuine original signatures and 9 were printed signatures. The 9 persons whose names were printed paid their dues and were accepted into membership. According to the petition, the number of employees in the unit is 137. The cards were dated from January 1 to July 31, 1943.

the sewing room, and about 30 under Barrett in the finishing room. There are no intermediate supervisors between them and the plant manager. The employees regard them as "bosses" and consult them regarding their work. They are not eligible for membership in the Union. We find that they exercise substantial supervisory duties. We shall exclude them. The cutter is responsible for all the cutting in the plant, and does 90 percent of it himself. He is eligible to membership in the Union. There are two other employees in the cutting room. There is no showing that the cutter has any supervisory duties or that his position is other than that of a journeyman with two assistants. The shipping clerk likewise has an assistant, but he spends all of his time in actual work and performs no supervisory duties. He is eligible to membership in the Union. We shall include the cutter and the shipping clerk.

Accordingly, we find that all production and maintenance employees of the Company at its Coshocton plant, including watchmen-janitors, the cutter, and the shipping clerk but excluding office employees, foreladies, 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 an election by secret ballot among the employees in the appropriate unit who were employed during the payroll 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 Indianapolis Glove Company, Coshocton, Ohio, 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 Eighth 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 those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by International Glove Workers Local #89, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

Mr. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.