

In the Matter of GILT EDGE TEXTILE MILLS, INC. and TEXTILE WORKERS
UNION OF AMERICA (C. I. O.)

Case No. 1-R-1634.—Decided December 24, 1943

Mr. Jacob Dimond, of New Bedford, Mass., for the Company.

Mr. Antonio England, of New Bedford, Mass., for the T. W. U. A.

Mr. Henry Wise, of Boston, Mass., for the Loom Fixers, Slasher
Tenders, and Knot Tiers.

Mr. William E. G. Batty, of New Bedford, Mass., for the U. T. W. A.

Mr. William C. Baisinger, Jr., of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Textile Workers Union of America, (C. I. O.), herein called the T. W. U. A., alleging that a question affecting commerce had arisen concerning the representation of employees of Gilt Edge Textile Mills, Inc., New Bedford, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert E. Greene, Trial Examiner. Said hearing was held at New Bedford, Massachusetts, on November 9, 1943. The Company, the T. W. U. A., New Bedford Loom Fixers Union, Local No. 2, A. F. of L., herein called the Loom Fixers, New Bedford Slasher Tenders and Helpers Union, Local No. 345, A. F. of L., herein called the Slasher Tenders, New Bedford Knot Tiers and Helpers Union, Local No. 1649, A. F. of L., herein called the Knot Tiers,¹ and United Textile Workers of America, A. F. of L. herein called the U. T. W. A., appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, to introduce evidence bearing upon the issues, and to file briefs with the Board. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

¹ We shall hereinafter sometimes refer to the Loom Fixers, the Slasher Tenders, and the Knot Tiers collectively as the Locals

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Gilt Edge Textile Mills, Inc., is a Massachusetts corporation engaged at New Bedford, Massachusetts, in the business of weaving cloth from rayon yarn on a commission basis. All of the raw yarn used by the Company is owned by other companies who ship it to the Company's mill from points outside the State of Massachusetts. Approximately all of the finished products manufactured by the Company are shipped to points outside the State of Massachusetts. The Company receives over \$200,000 in commissions annually. The Company does not deny and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

Textile Workers Union of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

New Bedford Loom Fixers Union Local No. 2, is a labor organization affiliated with the United Textile Workers of America and the American Federation of Labor, admitting to membership employees of the Company.

New Bedford Slasher Tenders and Helpers Union, Local No. 345, is a labor organization affiliated with the United Textile Workers of America and the American Federation of Labor, admitting to membership employees of the Company.

New Bedford Knot Tiers and Helpers Union, Local No. 1649, is a labor organization affiliated with the United Textile Workers of America and the American Federation of Labor, admitting to membership employees of the Company.

United Textile 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

By letter dated September 20, 1943, the T. W. U. A. notified the Company that it had been selected as bargaining representative by a majority of the employees within an alleged appropriate unit and requested recognition as their exclusive bargaining representative. The Company refuses to accord such recognition unless and until the Board has made a determination with respect to the appropriate unit and certified a labor organization as the exclusive bargaining representative of such employees.

A statement prepared by the Regional Director and introduced into evidence at the hearing indicates that the T. W. U. A. and U. T. W. A. each represents a substantial number of employees within the unit hereinafter found to be appropriate.²

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 T. W. U. A. contends that a bargaining unit comprised of all employees of the Company, excluding executives, supervisory employees and clerical employees, is appropriate. The U. T. W. A. and the Locals dispute the appropriateness of a plant-wide unit, contending that three separate craft units comprised of (1) slasher tenders and helpers, (2) loom fixers, and (3) knot tiers and helpers employed by the Company constitute the only appropriate bargaining units.

At the hearing, the parties agreed and we find that the facts pertinent to the issues involved in this proceeding are substantially the same as appear in the record in the *Ramsay Mills* case.³ Accordingly, for reasons stated in our decision in that case, we conclude that the three separate units requested by the Locals are inappropriate for the purposes of collective bargaining and find that the plant-wide unit requested by the T. W. U. A. is appropriate for such purposes.

We find that all employees of the Company, excluding executives, clerical employees, and all other 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.

² The Regional Director reported that the T. W. U. A. submitted 41 application-for-membership cards which bear the apparently genuine signatures of persons whose names appear on the Company's pay roll of October 1, 1943, which contains the names of 79 persons within the alleged appropriate unit. The Regional Director's report further states that the U. T. W. A. submitted the records of 16 persons who are dues paying members of the Locals and whose names appear on the aforesaid pay roll.

³ *Matter of Ramsay Mills, Inc.*, Case No. 1-R-1633, 54 N. L. R. B. 31.

At the hearing the U. T. W. A. requested that it be permitted to participate in the election in the event the Board denied the requests of the Locals⁴ and found an industrial unit to be appropriate. The history of organization indicates that the U. T. W. A. has an interest in the proceeding by reason of the affiliation of the Locals. We shall therefore direct that its name be placed on the ballot in the election hereinafter directed.

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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Gilt Edge Textile Mills, Inc., New Bedford, Massachusetts, 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 First 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, and have not been rehired or reinstated prior to the date of the election, to determine whether they desire to be represented by Textile Workers Union of America, (C. I. O.), or by United Textile Workers of America, A. F. of L., for the purposes of collective bargaining, or by neither.

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