

In the Matter of COCHECO WOOLEN MANUFACTURING COMPANY and
UNITED TEXTILE WORKERS OF AMERICA (A. F. OF L.)

Case No. 1-R-1716.—Decided February 15, 1944.

Hughes & Burns, of Dover, N. H., by *Mr. Stanley M. Burns*, for the Company.

Mr. Frank Sgambato, of Providence, R. I., and *Mr. Laurent Roussin*, of Sanford, Maine, for the Union.

Mr. Armin Uhler, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Textile 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 Cochecho Woolen Manufacturing Company, East Rochester, New Hampshire, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddair, Jr., Trial Examiner. Said hearing was held at East Rochester, New Hampshire, on January 4, 1944. The Company and 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. All parties were afforded an 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

Cochecho Woolen Manufacturing Company is a corporation with its principal office and place of business at East Rochester, New Hampshire, where it is engaged in the manufacture of woolen cloth. The

Company manufactures products valued at appropriately 1 million dollars per year. At least 75 percent of the raw materials used and of the finished products sold by the Company moves to and from the State of New Hampshire. At the present time the Company's entire output is absorbed by the United States Government.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Textile Workers of America, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.¹

III. THE QUESTION CONCERNING REPRESENTATION

On or about December 16, 1943, the Union notified the Company that it represented a majority of the employees in the alleged appropriate unit and invited the Company's consent to an election. The Company refused to consent to an election.

A statement prepared by the Acting Regional Director, introduced in evidence at the hearing, indicates that the Union represents a substantial number of the Company's employees in the unit herein found 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 parties are in agreement concerning the unit alleged in the petition, and the record indicates no reason for departing from their agreement. We find that all the Company's production and maintenance employees, including watchmen, but excluding executives, office and clerical employees, overseers and second hands, and all supervisory employees with authority to hire, promote, discharge, discipline, or

¹ At the hearing the Company moved to dismiss the petition on the ground that the petitioner, admittedly a labor organization within the meaning of the Act, is a national organization without any local affiliate which might represent the employees. We find no merit in the Company's contention. The Act (Sections 2 (4) and (5), and 7) confers upon employees the unlimited right to select and bargain through representatives, whether they be individuals or labor organizations of any kind. The Company's motion to dismiss is therefore denied. See *Matter of Frigidaire Division, General Motors Corporation*, 39 N. L. R. B. 1108; *Matter of Hamilton Realty Corporation*, 10 N. L. R. B. 858; *Matter of American Furniture Company*, 4 N. L. R. B. 710.

² The Acting Regional Director reported that the Union submitted 280 application for membership cards, 279 of which were dated between October and December 1943; that 275 of these cards bore apparently genuine original signatures; that 256 of these signatures corresponded to names of employees on the Company's pay roll of December 14, 1943, and that on that date there were 481 employees in the alleged appropriate unit.

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 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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Coheco Woolen Manufacturing Company, East Rochester, New Hampshire, 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 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 United Textile Workers of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining.