

In the Matter of VICTORIA HIDES & SKINS, INC. and POCKETBOOK WORKERS UNION OF NEW YORK, UNAFFILIATED

In the Matter of VICTORIA HIDES & SKINS, INC. and LEATHER WORKERS OF GREATER NEW YORK, LOCAL NO. 35, INTERNATIONAL FUR AND LEATHER WORKERS UNION OF U. S. AND CANADA (CIO)

Cases Nos. 2-R-4263 and 2-R-4324, respectively.—Decided February 17, 1944.

Mr. Simon S. Nessim, of New York City, for the Company.

Boudin, Cohn & Glickstein, by *Miss Belle Seligman*, of New York City, for the Pocketbook Workers.

Isserman, Isserman & Kapelsohn, by *Mr. Irving Leuchter*, of Newark, N. J., for the Leather Workers.

Mr. A. Sumner Lawrence, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Pocketbook Workers Union of New York, Unaffiliated, herein called the Pocketbook Workers, alleging that a question affecting commerce had arisen concerning the representation of employees of Victoria Hides & Skins, Inc., New York City, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Cyril W. O'Gorman, Trial Examiner. Said hearing was held at New York City on October 18, 1943. The Company, the Pocketbook Workers, and Leather Workers of Greater New York, Local No. 35, International Fur and Leather Workers Union of U. S. and Canada (CIO), herein called the Leather Workers, 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. At the commencement of the hearing the Leather Workers moved to consolidate the present proceeding with

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a petition for investigation and certification of representatives subsequently filed by the Leather Workers. The motion of the Leather Workers to consolidate the present proceeding with the subsequent petition aforesaid,¹ is hereby granted *nunc pro tunc*, and the petitions in Case No. 2-R-4263 and Case No. 2-R-4324 are hereby consolidated. 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

Victoria Hides & Skins, Inc., a New York corporation, has its principal office and place of business in New York City where it is engaged in the manufacture, distribution, and sale of leather wallets and related products. During the period from September 1, 1942, to August 31, 1943, the Company purchased for use at its New York City plant raw materials valued at approximately \$25,000, of which 50 percent was obtained from points outside the State of New York. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

Pocketbook Workers Union of New York is an unaffiliated labor organization admitting to membership employees of the Company.

Leather Workers of Greater New York, Local No. 35, International Fur and Leather Workers Union of U. S. and Canada, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

Prior to the filing of the petition herein, both the Pocketbook Workers and the Leather Workers severally requested recognition from the Company as exclusive bargaining representatives of the Company's employees. The Company declined to recognize or bargain with either union because of the conflicting claims to representation.

A statement of the Regional Director, admitted in evidence at the hearing, indicates that the Pocketbook Workers and the Leather Workers each represents a substantial number of employees in the unit hereinafter found appropriate.²

¹ Case No. 2-R-4324.

² The Regional Director reported that the Pocketbook Workers had submitted 14 membership application cards dated in May, June, and July 1943, of which 5 bore the apparently genuine original signatures of persons whose names appear on the Company's pay roll of September 17, 1943, containing 11 names within the claimed appropriate unit.

The Regional Director also reported that the Leather Workers had submitted 13 enrollment cards, dated in June and July 1943, of which 2 bore the apparently genuine original

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

Both the Pocketbook Workers and the Leather Workers urge that all production employees³ of the Company, excluding all supervisory and clerical employees, constitute an appropriate unit. The Company takes no position and makes no objection to the unit sought by both unions.

We find that all production employees of the Company, excluding all clerical 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

It was disclosed at the hearing that the plant operated by the Company is in process of expanding. While it appeared that the Company would within a few weeks move to larger quarters and increase its force from 12 to approximately 35 production employees, it was anticipated that the full complement of employees would be reached within 10 days from the completion of the Company's moving operations. Since the record shows that the Company's expanding personnel will in all probability be stabilized by the time an election occurs, we shall not dismiss the petition.⁴ Accordingly, 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 Victoria Hides &

signatures of persons whose names appear on the Company's pay roll of September 17, 1943, within the unit claimed appropriate by the Pocketbook Workers.

³ The Company has no maintenance employees at the present time.

⁴ See *Matter of Chapman Dehydrator Company*, 51 N. L. R. B. 664.

Skins, Inc., New York City, 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 Second 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 election, to determine whether they desire to be represented by Pocketbook Workers Union of New York or by Leather Workers of Greater New York, Local No. 35, International Fur and Leather Workers Union of U. S. and Canada. (C. I. O.), for the purposes of collective bargaining, or by neither.