

In the Matter of ERDETTE HOSIERY MILLS, INC. (PARACHUTE DIVISION)
and AMERICAN FEDERATION OF HOSIERY WORKERS, C. I. O.

Case No. 6-R-877.—Decided February 17, 1944

Mr. John S. Rhoda, of Reading, Pa., for the Company.

Messrs. Edward F. Gallagher and Jackson Curry, of Philadelphia, Pa., for the Union.

Mr. Max M. Goldman, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by American Federation of Hosiery Workers, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Erdette Hosiery Mills, Inc. (Parachute Division), Curensville, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before James A. Shaw, Trial Examiner. Said hearing was held at Clearfield, Pennsylvania, on January 12, 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

Erdette Hosiery Mills, Inc., a Pennsylvania corporation, is engaged in the manufacture of parachutes for the account of the United States Army and others in its Parachute Division at Curensville, Pennsylvania, the only plant with which this proceeding is concerned. The

principal raw materials used are nylon, rayon, and cordage. The annual value of these materials exceeds \$100,000, substantial portions of which come from sources outside the State of Pennsylvania. More than 50 percent of the finished product is shipped to points outside the State of Pennsylvania. The Company's entire production is devoted to the war effort.

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

II. THE ORGANIZATION INVOLVED

American Federation of Hosiery Workers, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter 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

We find, in accordance with an agreement of the parties, that all production and maintenance employees of the Company at its Parachute Division, but excluding executive and clerical employees, plant-protection employees and guards, floorladies, the janitress, firemen, and all 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.

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 em-

¹ The Regional Director reported that the Union submitted 170 application cards, 167 of which bore apparently genuine original signatures; that the names of 151 persons appearing on the cards were listed on the Company's pay roll of December 8, 1943, which contained the names of 201 employees in the appropriate unit; and that 45 cards were undated, and the others were dated as follows: 2 in May, 1 in July, 97 in August, 25 in November of 1943.

ployees 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 Erdette Hosiery Mills, Inc. (Parachute Division), Curensville, Pennsylvania, 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 Sixth 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 American Federation of Hosiery Workers, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.