

In the Matter of HAND KNIT HOSIERY COMPANY and UNITED TEXTILE
WORKERS OF AMERICA, A. F. OF L.

Case No. 13-R-2199.—Decided February 17, 1944

Messrs. Buchen, Currie, Fiderer and Grote, by Mr. John R. Currie, of Sheboygan, Wis., for the Company.

Mr. Francis Schaufenbil, of Prairie du Chien, Wis., and Mr. Leon De Broux, of Port Washington, Wis., for the Textile Workers, A. F. of L.

Mr. John Banachowicz, of Milwaukee, Wis., for the Hosiery Workers, C. I. O.

Mr. Max M. Goldman, 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 Textile Workers, alleging that a question affecting commerce had arisen concerning the representation of employees of Hand Knit Hosiery Company, Sheboygan, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert N. Denham, Trial Examiner. Said hearing was held at Sheboygan, Wisconsin, on January 11, 1944. At the hearing the Trial Examiner granted a motion of American Federation of Hosiery Workers, C. I. O., herein called the Hosiery Workers, to intervene. The Company, the Textile Workers, and the Hosiery Workers 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:
54 N. L. R. B., No. 231.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Hand Knit Hosiery Company, a Wisconsin corporation, is engaged in the manufacture of woolen hosiery and sweaters at Sheboygan, Wisconsin. The principal raw materials used are wool, worsted and cotton yarns, dyes, and chemicals. During the past year, the value of these materials exceeded \$350,000, approximately 25 percent of which came from sources outside the State of Wisconsin. The Company's sales during the same period, exceeded \$800,000 in value, approximately 90 percent of which was shipped to points outside the State of Wisconsin. Approximately 50 percent of the Company's production is for the account of the United States Government.

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

II. THE ORGANIZATIONS INVOLVED

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

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 Textile Workers as the exclusive bargaining representative of its employees until it 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 Textile Workers and Hosiery Workers each 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.

¹The Field Examiner reported that the Textile Workers submitted 87 authorization cards, which bore apparently genuine original signatures; that the names of 85 persons appearing on the cards were listed on the Company's pay roll of January 8, 1944, which contained the names of 231 employees in the appropriate unit; and that the cards were dated during the months of September, October, November, and December of 1943. His report also indicates that the Hosiery Workers submitted 78 application cards, which bore apparently genuine original signatures; that the names of 74 persons appearing on the cards were listed on the same pay roll, which contained the names of the employees in the appropriate unit; and that the cards were dated during the months of November and December 1943.

IV. THE APPROPRIATE UNIT

We find, in accordance with the agreement of the parties, that all production and maintenance 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.²

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 Hand Knit Hosiery Company, Sheboygan, Wisconsin, 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 Thirteenth 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 they desire to be represented by United Textile Workers of America, affiliated with the American Federation of Labor, or by American Federation of Hosiery Workers, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.

² At the hearing the parties agreed that fixers should be part of the unit.