

In the Matter of INTERNATIONAL SHOE COMPANY (RUBBER PLANT)
and UNITED RUBBER WORKERS, LOCAL 198, CIO

Case No. 14-R-880.—Decided March 6, 1944

Mr. C. F. Nerlich, of St. Louis, Mo., *Mr. G. B. Britton* and *Mr. P. H. Raukohl*, of Hannibal, Mo., for the Company.

Mr. Floyd Robinson, of Rock Island, Ill., for the CIO.

Mr. H. B. Furlow and *Mr. Dan Winger*, of Hannibal, Mo., for District 50.

Mr. William Strong, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Rubber Workers, Local 198, CIO, herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of International Shoe Company (Rubber Plant), Hannibal, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harry G. Carlson, Trial Examiner. Said hearing was held at Hannibal, Missouri, on February 11, 1944. The Company, the CIO, and District 50, United Mine Workers of America, herein called District 50, 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

International Shoe Company is engaged in the manufacture and sale of footwear. It operates factories, tanneries, and other plants.

in numerous States, including several plants at Hannibal, Missouri.¹ We are here concerned with the Company's Rubber Plant at Hannibal, at which rubber articles are produced. More than 90 percent of the raw materials used at the Hannibal plant and more than 90 percent of the finished products of that plant move in interstate commerce. In 1943 the products of the Rubber Plant were valued in excess of \$5,000,000.

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

II. THE ORGANIZATIONS INVOLVED

United Rubber Workers, Local 198, affiliated with the Congress of Industrial Organizations, and District 50, United Mine Workers of America, are labor organizations admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the CIO as the exclusive bargaining representative of certain of the Company's employees, in effect until the CIO has been certified by the Board in an appropriate unit.

The CIO was certified by the Board in January 1942, and has been recognized by the Company as the exclusive collective bargaining representative of the employees in the appropriate unit in a written contract, containing a maintenance of membership clause, which expired on February 15, 1944. Upon these facts we find that the CIO has demonstrated a sufficient interest among employees in the unit hereinafter found to be appropriate to raise a question concerning representation.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

We find, in substantial agreement with a stipulation of the parties, that all employees of the Company's Rubber Plant at Hannibal, Missouri, but excluding clerical and office employees, bonded watchmen, laboratory employees, the engineering staff, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend

¹ These findings are based upon the Board's findings in a prior case involving this Company, *Matter of International Shoe Company*, 36 N. L. R. B. 1173

² There are about 837 employees in the appropriate unit. District 50 submitted 148 authorization cards bearing apparently genuine signatures.

such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.³

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.⁴

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 International Shoe Company (Rubber Plant), Hannibal, Missouri, 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 Fourteenth 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 Rubber Workers of America, CIO, or by Shoe Workers, District 50, United Mine Workers of America, for the purposes of collective bargaining, or by neither.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.

³ This unit was in effect found by the Board to be appropriate in *Matter of International Shoe Company*, 36 N. L. R. B. 1173, 38 N. L. R. B. 216. Although in that decision the canvas footwear department was included in the unit, canvas footwear is no longer being manufactured.

⁴ The unions request that they be designated on the ballot as "United Rubber Workers of America, CIO," and "Shoe Workers, District 50, United Mine Workers of America." The request is hereby granted.