

In the Matter of BROWN GARMENT MANUFACTURING CO. *and* INTERNATIONAL LADIES GARMENT WORKERS UNION, AMERICAN FEDERATION OF LABOR

*Case No. 15-R-1074.—Decided March 11, 1944*

*Mr. W. Don Ellinger*, of St. Louis, Mo., for the Union.

*Mr. William Strong*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Ladies Garment Workers Union, American Federation of Labor, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Brown Garment Manufacturing Co., Little Rock, Arkansas, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Laurence H. Whitlow, Trial Examiner. Said hearing was held at New Orleans, Louisiana, on February 16, 1944. The Union appeared and participated.<sup>1</sup> 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

Brown Garment Manufacturing Co., is engaged at Little Rock, Arkansas, in the manufacture of pants, approximately 50 percent of

<sup>1</sup> Although the Company received a copy of the petition and of the Notice of Hearing and of subsequent notices of postponement of hearing, it did not appear at the hearing. The Trial Examiner stated on the record that he had spoken over the telephone to the president of the Company, who had informed him that no representative of the Company would be present, but that the Company had no objection to the hearing going forward. The Company has at no time made any objections for any reason whatsoever to the holding of the hearing.

which is for the United States armed forces, the balance being distributed to J. C. Penny Company, Montgomery Ward & Company, and similar mail order houses. A substantial portion of the raw materials used by the Company is brought into Arkansas from points outside that State.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

International Ladies Garment Workers Union, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

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

A statement of the Trial Examiner at the hearing indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</sup>

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 Union seeks a unit consisting of all production employees of the Company, excluding executive, office, clerical, shipping room, maintenance, custodial, and supervisory employees.<sup>3</sup>

We find that all production employees of the Company, excluding executive, office, clerical, shipping room, maintenance and custodial 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.

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<sup>2</sup> The Trial Examiner reported that the Union submitted 51 authorization cards, that the names of 39 of these persons were included on the Company's pay roll, which contains the names of 114 employees in the alleged appropriate unit.

<sup>3</sup> The Union defines a production employee as "anyone handling the garment in the process of cutting, sewing, inspecting or pressing" Illustrative of the inclusions are cloth spreaders, machine operators, inspectors, markers, pressers, cutters; illustrative of the exclusions are janitors, cleaning women, machinists, machine repairmen, and bundle carriers, helping supervisory employees.

## 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 Brown Garment Manufacturing Co., Little Rock, Arkansas, 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 Fifteenth 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 any 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 International Ladies Garment Workers Union, affiliated with the American Federation of Labor, for the purposes of collective bargaining.