

In the Matter of RELIANCE MANUFACTURING COMPANY *and* AMAL-
GAMATED CLOTHING WORKERS OF AMERICA (C. I. O.)

Case No. 18-R-937.—Decided March 31, 1944

Mr. F. D. Schultheis, of Muscatine, Iowa, for the Union.
Mr. Thomas B. Sweeney, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Amalgamated Clothing Workers of America (C. I. O.), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Reliance Manufacturing Company, Anamosa, Iowa, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stephen M. Reynolds, Trial Examiner. Said hearing was held at Anamosa, Iowa, on February 23, 1944. Prior to the hearing the Company, which made no appearance at the hearing, moved for a continuance. The Trial Examiner denied the motion. The ruling is hereby affirmed.¹ 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.

¹ From the record, it appears that the Company received ample Notice of Hearing and that it could have been competently and adequately represented at the hearing had it so desired. We also note that since the date of the hearing, the Company has offered no further objection to the holding of the hearing in the absence of its representative.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Reliance Manufacturing Company, an Illinois corporation, operates several plants throughout the United States, including the plant at Anamosa, Iowa, which is the plant involved herein. This plant is engaged in manufacturing shirts from cotton piece goods, all of which are transported to the plant from points outside the State of Iowa. Its principal customers are the United States Navy and J. C. Penney Company, the former presently receiving approximately one-third of the plant's total production. Its daily shipments to the United States Navy at Oakland, California, average 2,000 shirts, and on Friday, February 18, 1944, such shipments totaled 13,000 shirts. We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Amalgamated Clothing Workers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On January 27, 1944, the Union requested the Company to recognize it as the exclusive representative of the employees within an alleged appropriate unit. The Company refused to do so.

A statement of the Trial Examiner and evidence adduced at the hearing indicate that the Union represents a substantial number of employees in the unit hereinafter found appropriate.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

The Union seeks a unit composed of all employees at the plant excluding only supervisory and clerical employees. No position to the contrary has been taken by the Company.

² The Trial Examiner reported that the Union submitted 125 application cards, all of which bore apparently genuine original signatures of employees in the appropriate unit, and that 115 of the cards were dated in December 1943 and January 1944, and 10 were undated. The evidence discloses that the appropriate unit consists of approximately 180 employees.

We find that all employees at the Company's Anamosa plant excluding 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

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 Reliance Manufacturing Company, Anamosa, Iowa, 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 Eighteenth 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 Amalgamated Clothing Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.