

In the Matter of THE EWING-THOMAS CORPORATION and TEXTILE
WORKERS UNION OF AMERICA, LOCAL 178, CIO

Case No. 4-R-1381.—Decided April 25, 1944

Mr. Ralph S. Croskey, of Philadelphia, Pa., and *Mr. James S. Rankin*, of Chester, Pa., for the Company.

Mr. Fred Muscheek, of Philadelphia, Pa., for the Union.

Mr. Joseph E. Gubbins, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Textile Workers Union of America, Local 178, affiliated with the C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Ewing-Thomas Corporation, Chester, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. Said hearing was held at Chester, Pennsylvania, on March 31, 1944. The Company and the Union appeared, participated, and 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 opportunity to file briefs with the Board. Subsequent to the hearing, the Company filed a brief wherein it requested the Board to dismiss the petition on the ground that no valid proof had been made that the Union has been designated or selected as representative by a majority of the employees of the Company or any substantial number thereof. The motion is denied.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Ewing-Thomas Corporation, a Pennsylvania corporation, is engaged at Chester, Pennsylvania, in mercerizing and selling cotton

yarns. During the year 1943, the Company purchased raw cotton valued at approximately \$100,000, all of which was shipped to the Company from points outside the Commonwealth of Pennsylvania. During the same period, the Company sold finished products valued in excess of \$100,000, approximately 70 percent of which was shipped to points outside the Commonwealth of Pennsylvania.

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

II. THE ORGANIZATION INVOLVED

Textile Workers Union of America, Local 178, 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 recognize the Union as the collective bargaining representative for certain of its employees unless and until the Union is certified by the Board.

A statement prepared by a Field Examiner, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be 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 substantial accordance with the stipulation of the parties, that all production and maintenance employees of the Company, excluding clerical employees, watchmen, foremen, and all supervisory employees, who have 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.

¹ The Field Examiner reported that the Union submitted 73 authorization cards, a spot check of which was made against the Company's pay roll of March 11, 1944; there are approximately 160 employees in the unit alleged by the Union to be appropriate.

At the hearing, counsel for the Company objected to the introduction in evidence of the Field Examiner's statement, arguing that the statement had no probative value because it was not made in the presence of any representative of the Company and the Company had no knowledge of the truth of its contents. As we have frequently stated, the report of a Board agent with respect to a claim of authorization for the purposes of representation is taken, not as proof of the precise number of employees who desire to be represented by a labor organization, but rather to protect the Company and the Board from unfounded claims by such organizations and to give reasonable assurance that a substantial number of employees desire to be so represented. See *Matter of Interlake Iron Corporation*, 38 N. L. R. B. 139.

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 The Ewing-Thomas Corporation, Chester, 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 Fourth 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 Textile Workers Union of America, Local 178, affiliated with the C. I. O., for the purposes of collective bargaining: