

In the Matter of BULOVA WATCH COMPANY, INC., and INTERNATIONAL  
JEWELRY WORKERS UNION (A. F. OF L.)

Case No. 2-R-4266.—Decided April 29, 1944

Messrs. Sanford H. Cohen and Henry H. Silverman, of New York City, for the Company.

Louis Waldman, by Mr. Herman Waldman; Messrs. Leon Williams and Hyman Palatnik, of New York City, for the A. F. of L.

Mr. Milton Friedman, of New York City, and Messrs. Abraham Kailes and Gerald J. Murphy, of Woodside, N. Y., for the Independent.

Mr. Seymour J. Spelman, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon an amended petition duly filed by International Jewelry Workers Union (A. F. of L.), herein called the A. F. L., alleging that a question affecting commerce had arisen concerning the representation of employees of Bulova Watch Company, Inc., Woodside, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before David H. Werther, Trial Examiner. Said hearing was held at Brooklyn, New York, on March 16 and 17, 1944, and at New York City on March 21, 22, and 23, 1944. The Company, the A. F. L., and Independent Jewelry Workers Industrial Union, herein called the Independent, 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 reserved ruling upon the motion of the Company to dismiss the petition on the ground that neither union has made a sufficient *prima facie* showing of representation to warrant an election. For reasons set forth in Section III, *infra*, said motion is hereby granted. 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

Bulova Watch Company, Inc., a New York corporation with principal offices in New York City, operates plants at Woodside, Long Island City, Valley Stream, and Sag Harbor, on Long Island, New York, where it is engaged in the production of timepieces, aviation instruments, and other materials for the armed forces. The Company's annual purchases of raw materials are in excess of \$500,000, approximately 50 percent of which is shipped from points outside the State of New York. The annual production of the Company exceeds \$2,000,000 in value, of which approximately 50 percent is shipped to points outside the State of New York.

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

#### II. THE ORGANIZATIONS INVOLVED

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

Independent Jewelry Workers Industrial Union is an unaffiliated labor organization admitting to membership employees of the Company.

#### III. THE ALLEGED QUESTION CONCERNING REPRESENTATION

The parties stipulated that the Company received a letter from the A. F. L., dated September 14, 1943, wherein the Union claimed to represent certain of the Company's employees and requested a collective bargaining conference; and that the Company failed to make any reply.

An examination of the evidence upon which the unions' representation claims rest leads us to conclude that no sufficient *prima facie* showing has been made of representation among the employees in the alleged appropriate unit to warrant an election at the present time. A statement prepared by a Field Examiner of the Board and introduced in evidence at the hearing discloses that the A. F. L. submitted 287 application-for-membership cards, of which 2 are duplicates. The Independent submitted 228 application cards. The Company's pay roll for the week ending March 5, 1944, contains the names of 1,610 persons in the alleged appropriate unit. The A. F. L. has thus made a showing of less than 18 percent, and the Independent, only 14 per-

cent. These showings are insufficient to raise a question of representation and we shall therefore order the petition dismissed, without prejudice.<sup>1</sup>

### ORDER

Upon the basis of the above findings of fact and upon the entire record in the case, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Bulova Watch Company, Inc., Woodside, New York, filed by International Jewelry Workers Union (A. F. of L.), be, and it hereby is, dismissed without prejudice.

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<sup>1</sup> See *Matter of American Manufacturing Company*, 41 N. L. R. B. 995; *Matter of Union Hardware and Metals Company*, 31 N. L. R. B. 710; and *Matter of Ingersoll-Rand Company*, 55 N. L. R. B. 14.