

In the Matter of CARMO SHOE MANUFACTURING COMPANY and UNITED
SHOE WORKERS OF AMERICA, C. I. O.

Case No. 14-R-907.—Decided May 13, 1944

Frey & Korngold, by Mr. A. B. Frey, and Mr. Samuel Wolff, of St. Louis, Mo., for the Company.

Mr. Julius Crane, of St. Louis, Mo., and Mr. Roy Pearson, of Washington, Mo., for the Union.

Mrs. Catherine W. Goldman, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Shoe Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Carmo Shoe Manufacturing Company, Union, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Keith W. Blinn, Trial Examiner. Said hearing was held at St. Louis, Missouri, on April 7, 1944. The Company and the Union appeared and participated. The Company moved that the petition be dismissed. For reasons hereinafter stated, the motion is hereby denied. 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

Carmo Shoe Manufacturing Company, a Missouri corporation, is engaged in the manufacture, sale, and distribution of women's novelty shoes at a plant in Union, Missouri, the only operation involved in this proceeding. During the year 1943 the Company purchased raw ma-

terials, including upper leather, sole leather, cotton piece goods, ink, ties, cements, tacks, heels, nails, screws, and binding fabric, valued in excess of \$1,000,000, of which approximately 75 percent was purchased outside the State of Missouri. During the same period, the Company manufactured finished products valued in excess of \$3,000,000, approximately 60 percent of which was shipped to points outside the State of Missouri.

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

II. THE ORGANIZATION INVOLVED

United Shoe 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

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

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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, substantially in accordance with an agreement of the parties, that all production employees of the Company, excluding office and clerical employees, salesmen, bonded watchmen, pattern makers, stylists, shipping clerks, porters, maintenance employees, foremen, foreladies, and all other 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

¹The Field Examiner reported that the Union submitted 265 membership cards, 182 of which bore apparently genuine signatures of persons listed on the Company's pay roll of March 3, 1944; that there are 611 employees in the unit requested; that the cards were dated between August 1943 and March 1944, with the exception of 74 which were undated. At the hearing the Union submitted 28 additional cards bearing apparently genuine original signatures of persons within the unit requested. The cards were dated as follows: 1—September 1943; 17—March 1944; 7—April 1944; 3—undated.

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.

The Company requests that the Board determine the time and place for conducting the election. It desires that the election be held on Company property during working hours, or in the alternative, off Company property during working hours. The Union objects to the conduct of the election either on Company property or during working hours. The Board, however, has adopted the practice of leaving the selection of the time and place for elections held pursuant to its direction, to the discretion of the Regional Director, who is expected to make such selection with a view to serving the best interests of all parties involved in the proceeding. We see no reason here to depart from our usual practice in this respect. However, if the Company is of the opinion that the selection of the time and place for the election, when finally made by the Regional Director, is prejudicial, it may file a motion for reconsideration by the Board, setting forth its objection thereto.

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 Carmo Shoe Manufacturing Company, Union, 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 or not they desire to be represented by United Shoe Workers of America, C. I. O., for the purposes of collective bargaining.