

In the Matter of CALIFORNIA MANUFACTURING COMPANY and UNITED
GARMENT WORKERS OF AMERICA, A. F. OF L.

Case No. 17-R-838.—Decided May 27, 1944

Messrs. L. J. Handleman and Ray Epstein, of California, Mo., for the Company.

Mr. Edwin H. Stern, of St. Louis, Mo., and *Mrs. Ruth Rutherford*, of California, Mo., for the United.

Messrs. Adolph B. Nesbit and J. W. King, Sr., of St. Louis, Mo., for the Amalgamated.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Garment Workers of America, A. F. of L., herein called the United, alleging that a question affecting commerce had arisen concerning the representation of employees of California Manufacturing Company, California, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert S. Fousek, Trial Examiner. Said hearing was held at California, Missouri, on May 10, 1944. The Company, the United, and Amalgamated Clothing Workers of America, C. I. O., herein called the Amalgamated, 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

California Manufacturing Company is a partnership operating a plant at California, Missouri, where it is engaged in the manufacture

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of trousers and jackets. The Company receives in excess of \$50,000 annually for its services. Ninety-five percent of the materials used by the Company is shipped to it from points outside the State of Missouri. Almost all materials produced by the Company are shipped by it to the Kansas City Quartermaster Depot at Kansas City, Missouri.

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

II. THE ORGANIZATIONS INVOLVED

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

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

III. THE QUESTION CONCERNING REPRESENTATION

On February 10, 1944, the United requested the Company to recognize it as the exclusive collective bargaining representative of its employees. The Company refused this request.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the United and the Amalgamated each 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 accordance with a stipulation of the parties, that all production and maintenance employees of the Company, including packing-room employees and watchmen, but excluding clerical employees and 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 means of an election by secret ballot among

¹The Field Examiner reported that the United presented 222 authorization cards. There are approximately 240 employees in the appropriate unit. He further reported that the Amalgamated presented 148 authorization cards.

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 California Manufacturing Company, California, 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 Seventeenth 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 they desire to be represented by Amalgamated Clothing Workers of America, C. I. O., or by United Garment Workers of America, A. F. of L., for the purposes of collective bargaining, or by neither.