

In the Matter of THE LOWELL BLEACHERY, INC. and TEXTILE WORKERS  
UNION OF AMERICA, ST. LOUIS JOINT BOARD, C. I. O.

*Case No. 14-R-940.—Decided June 15, 1944*

*Messrs. A. L. Garfinkel and William Truebe, of St. Louis, Mo., for the Company.*

*Messrs. Arthur G. McDowell and Bert Miller, of St. Louis, Mo., for the Union.*

*Mr. Louis Cokin, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Textile Workers Union of America, St. Louis Joint Board, C. I. O., herein called the Union alleging that a question affecting commerce had arisen concerning the representation of employees of The Lowell Bleachery, Inc., St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harry G. Carlson, Trial Examiner. Said hearing was held at St. Louis, Missouri, on May 13, 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Lowell Bleachery, Inc., is a Massachusetts corporation operating a plant at St. Louis, Missouri, where it is engaged in the bleaching of cotton cloth. During 1943 the Company received in excess of \$200,000 for processing services. Seventy-five percent of the material processed by the Company is shipped to it from points outside the State of Missouri, and the Company ships 75 percent of the finished cloth 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

Textile Workers Union of America, St. Louis Joint Board, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On or about March 30, 1944, the Union notified the Company that it represented a majority of the sweepers and porters employed by the Company and requested their inclusion in a production and maintenance unit presently represented by the Union. The Company declined to recognize the Union because of the existing contract in which the Company recognized the Union as the exclusive representative of all production and maintenance employees, specifically excluding the sweepers and porters. Mere exclusion from the coverage of an agreement does not foreclose to an otherwise appropriate group the right to enjoy collective bargaining under the Act. Moreover, a substantial number of the employees involved herein have indicated their desire to be represented by the Union.<sup>1</sup> Under the circumstances, we find the Company's contention to be without merit.<sup>2</sup>

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 DETERMINATION OF REPRESENTATIVES

The Union contends that the appropriate unit consists of the production and maintenance employees, as established by its contract with the Company, together with the sweepers and porters. However, the Union does not seek an election covering the entire group, but desires to have any election which may be ordered by the Board confined to the porters and sweepers to determine whether or not those employees desire to be included with the production and maintenance group for the purposes of collective bargaining.

The sweepers and porters spend full time performing sweeping and cleaning up work. We are of the opinion that the porters and sweepers which the Union desires to have added to the production and

<sup>1</sup> The statement of a Field Examiner of the Board, introduced into evidence at the hearing, shows that the Union presented eight authorization cards bearing apparently genuine signatures of persons whose names appear on the current pay roll of the Company. There are nine employees involved in the instant proceeding.

<sup>2</sup> See *Matter of Chrysler Corporation*, 36 N. L. R. B. 157.

maintenance unit may properly form part of said unit if the employees so desire.<sup>3</sup>

In view of the absence of any question concerning representation among the employees in the original production and maintenance unit, we shall direct an election only among the sweepers and porters concerning whom a question of representation has arisen. If such employees select the Union they will thereafter be included in a unit with the production and maintenance group and will be part of such unit.<sup>4</sup>

We shall accordingly direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the sweepers and porters 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 Lowell Bleachery, Inc., St. Louis, 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 sweepers and porters whose names appear on the pay roll preceding the date of this Direction, including such 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 supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, and any 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 Textile Workers Union of America, St. Louis Joint Board, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

<sup>3</sup> See *Matter of Illinois Coal Works*, 21 N. L. R. B. 660.

<sup>4</sup> See *Matter of Armour & Company*, 40 N. L. R. B. 1333.