

In the Matter of MONARCH CLOTHING CO. and AMALGAMATED CLOTHING  
WORKERS OF AMERICA, C. I. O.

Case No. 1-R-1901.—Decided June 16, 1944

*Mr. Fisher Abramson*, of New Bedford, Mass., for the Company.  
*Louise Gugino*, and *Mr. Salvatore Commanto*, of New Bedford,  
Mass., for the Union.

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

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Amalgamated Clothing Workers of America; C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Monarch Clothing Co., New Bedford, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddair, Jr., Trial Examiner. Said hearing was held at New Bedford, Massachusetts, on May 26, 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

Monarch Clothing Co. is a partnership engaged in the sale and manufacture of boys' clothing at New Bedford, Massachusetts. During 1943 the Company purchased raw materials valued at about \$1,200,000, approximately \$1,000,000 worth of which was shipped to it from points outside the State of Massachusetts. During the same period the Company sold products valued at about \$3,000,000, about \$2,800,000

worth of which was shipped to points outside the State of Massachusetts.

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

## II. THE ORGANIZATION INVOLVED

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

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of its employees.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</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 Union urges a unit of all production employees of the Company, excluding executives, supervisors, office and clerical employees, maintenance employees, watchmen, floor girls, and shipping department employees. The only controversy with respect to the unit concerns shipping department employees. The Company would include such persons in the unit.

The shipping department employees disassemble bundles of merchandise, allocate pieces of cloth for particular jobs, mark merchandise for buttonholing and content, pack orders, close and mark containers, and perform other similar duties. It is clear that the shipping department employees perform duties that are closely integrated with the process of manufacturing. Accordingly, we shall include the shipping department employees in the unit.

We find that all production employees of the Company, including shipping department employees, but excluding office and clerical employees, maintenance employees, watchmen, executives, supervisors, floor girls, and any 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

<sup>1</sup> The Field Examiner reported that the Union presented 216 authorization cards. There are approximately 325 employees in the appropriate unit.

appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

We find that the question concerning representation which has arisen can best be resolved by means of 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.

On March 22, 1944, the Union filed a petition. Thereafter, the Company and the Union entered into a consent election agreement. On April 18, 1944, the date of the scheduled consent election, the Union withdrew its petition. On May 9, 1944, the Union filed its petition in the instant proceeding. The Company contends that no election should be held at this time, but that the Union should be required to wait 12 months from the date of the withdrawal of the petition of March 22, 1944. We find the Company's position to be untenable and shall direct that an election be held in the immediate future.

#### 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 Monarch Clothing Co., New Bedford, Massachusetts, 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 First 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 Amalgamated Clothing Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.