

In the Matter of UNION MANUFACTURING COMPANY and LOS ANGELES
JOINT BOARD, AMALGAMATED CLOTHING WORKERS OF AMERICA,
C. I. O.

Case No. 21-R-2308.—Decided July 4, 1944

Mr. George A. Elstein, of Los Angeles, Calif., for the Company.
Katz, Gallagher & Margolis, by *Mr. Milton S. Tyre*, for the Amal-
gamated.

Mr. John Misterly, of Los Angeles, Calif., for the A. F. L.

Mr. John Pawlak, of Los Angeles, Calif., for the Independent.

Mr. Joseph Lepie, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Los Angeles Joint Board, Amalgamated Clothing Workers of America, C. I. O., herein called the Amalgamated, alleging that a question affecting commerce had arisen concerning the representation of employees of Union Manufacturing Company, Los Angeles, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William B. Esterman, Trial Examiner. Said hearing was held at Los Angeles, California, on May 10, 11, and 12, 1944. The Company, the Amalgamated, United Garment Workers of America, A. F. L., herein called the A. F. L., and Independent Union of Clothing Workers, Inc., 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. At the hearing, the Company moved to dismiss the petition contending that because of its existing contract with the Independent, the limitation upon the expenditure of Board funds set forth in the Labor-Federal Security Appropriation Act, 1944, 57 Stat. 494, deprives the Board of jurisdiction in this proceeding. We find no merit in the Company's contention since the limitation specifically refers to a "complaint case" and therefore, has no applica-

tion to a representation proceeding.¹ The Trial Examiner's¹ 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

The Company² operates two plants, one at El Paso, Texas, and one at Los Angeles, California. This proceeding concerns the employees in the Los Angeles plant where the Company is engaged in the manufacture of men's work clothes. During the year 1943, the Company purchased raw materials and supplies in excess of \$900,000 in value, of which 95 percent was shipped to the Company from points outside the State of California. During the same period, the Company's sales exceeded \$1,000,000 in value, of which 40 percent was shipped to points outside the State of California.

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

II. THE ORGANIZATIONS INVOLVED

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

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

Independent Union of Clothing Workers, Inc., is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The Amalgamated urges that all cutters, spreaders, markers, and choppers employed at the Company's Los Angeles plant, excluding supervisory employees, constitute an appropriate unit. The Company, the A. F. L., and the Independent contend that such a unit is inappropriate, and that the appropriate unit should include all production and maintenance employees engaged at that plant. It appears that at present there are no spreaders, markers, and choppers employed

¹ See *Matter of California Door Company*, 52 N. L. R. B. 68, and subsequent cases.

² Although not entirely clear, the record appears to indicate that one Morris Harris does business under the trade name and style of Union Manufacturing Company.

by the Company. All spreading, marking, and chopping is done by cutters.

The Company has been dealing with the Independent for 7 years, pursuant to collective bargaining agreements, as the representative of all its employees at the Los Angeles plant. There is an existing agreement between these parties covering all the Los Angeles plant workers. The cutters have always maintained their membership in the Independent and all are present members of that organization. The record indicates that since 1937 cutters have served as members of the board of directors and as presidents of the Independent, and that the cutters have been continuously represented by the Independent. In 1941 the cutters secured both a 10 percent and 5 percent wage increase through the efforts of the Independent. From June 1937 to February 1944, the record discloses no affirmative action on the part of the cutters, either individually or as a group, indicating any dissatisfaction with the Independent. During this long period of time, by their acquiescence, the cutters approved their representation by the Independent in an industrial unit.³

In view of all these circumstances, we are of the opinion that the unit requested by the Amalgamated is inappropriate for collective bargaining purposes.

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as stated in Section III, above, the bargaining unit sought by the Amalgamated is inappropriate, we find that no question affecting commerce has arisen concerning the representation of employees of the Company in an appropriate bargaining unit.

ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of the Union Manufacturing Company, Los Angeles, California, filed by the Los Angeles Joint Board, Amalgamated Clothing Workers of America, C. I. O., be, and it hereby is dismissed.

³ It is not until the present year that the cutters evinced an interest in an organization other than the Independent.