

In the Matter of G. LEVOR & COMPANY, INC. and THE ADIRONDACK
LEATHER WORKERS' UNION

Case No. 3-R-659.—Decided August 23, 1944

Mr. John W. Morgan, of Boston, Mass., for the Company.
Mr. Harold W. Wood, of Gloversville, N. Y., for the Union.
Miss Ruth Rusch, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by The Adirondack Leather Workers' Union, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of G. Levor & Company, Inc., Gloversville, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Peter J. Crotty, Trial Examiner. Said hearing with held at Gloversville, New York, on July 27, 1944.¹ The Company and the Union appeared and participated.² 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

G. Levor & Company, Inc., is a New York corporation engaged in the tanning of shoe and glove leather. From July 1, 1943, to June 30,

¹ The petition in this proceeding was filed on August 20, 1943. On October 7, 1943, Notice of Hearing was issued. Charges of unfair labor practices were filed against the Company in Case No. 3-C-702 by International Fur and Leather Workers' Union, Local 202, CIO, herein called the CIO. On October 16, 1943, the Regional Director continued the representation proceeding indefinitely. On June 24, 1944, the Regional Director dismissed the charges of unfair labor practices and on July 13, 1944, issued a Notice of Hearing for July 24, 1944. The hearing was subsequently continued to July 27, 1944.

² The CIO, also served with notice, did not appear and took no part in the proceedings.

1944, the Company purchased raw materials in excess of \$500,000, in value, of which 90 percent was obtained from sources outside the State of New York. For the same period, the Company manufactured finished products, amounting to more than \$1,000,000, in value, of which 70 percent was shipped outside the State of New York.

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

II. THE ORGANIZATION INVOLVED

The Adirondack Leather Workers' Union 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 maintenance workers and watchmen until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.³

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 the stipulation of the parties and the record, that all maintenance men⁴ and watchmen, but excluding all 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.⁵

³ The Field Examiner reported that the Union submitted 7 cards, 6 of which bore the names of persons listed on the Company's pay roll of September 4, 1943. There are 15 employees in the appropriate unit. There were 5 cards dated July 1943 and 1 dated February 1941.

⁴ It was stipulated that the term "maintenance men" includes the firemen employed by the Company.

⁵ On May 16, 1944, the Union was certified as the bargaining representative of all employees of G. Levor & Company, Inc., Gloversville, New York, excluding executives, foremen, assistant foremen, 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, watchmen, firemen, maintenance employees, office employees, salaried workers, and all clerical employees.

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 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.⁶

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, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with G. Levor & Company, Inc., Gloversville, New York, 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 Third 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 the 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 The Adirondack Leather Workers' Union for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.

⁶ Although the CIO did not appear at the hearing, it had made some showing of representation among the employees here involved. We will accord it a place on the ballot in the event it makes a request therefor to the Regional Director within ten (10) days from the date of this decision.