

In the Matter of BROWN SHOE COMPANY, INC. and SHOE WORKERS  
OF DISTRICT 50, UMWA

*Case No. 14-R-1003.—Decided August 29, 1944*

*Mr. Joseph Lepie*, for the Board.

*Messrs. A. N. Paule* and *Jay Ryan*, of Charleston, Ill., for the Company.

*Messrs. Joseph Ecoppi*, *Earl Calandro*, and *Harry Hamm*, of Mattoon, Ill., for District 50.

*Mr. Thomas A. Grimm*, of St. Louis, Mo., for the CIO.

*Miss Ruth Rusch*, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Shoe Workers of District 50, UMWA, herein called District 50, alleging that a question affecting commerce had arisen concerning the representation of employees of Brown Shoe Company, Inc., Charleston, Illinois, herein called the Company,<sup>1</sup> the National Labor Relations Board provided for an appropriate hearing upon due notice before Keith W. Blinn, Trial Examiner. Said hearing was held at St. Louis, Missouri, on July 28, 1944. The Board, the Company, District 50, and the United Shoe Workers of America, CIO, herein called the CIO, appeared and participated.<sup>2</sup> 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. The Trial Examiner reserved ruling for the Board on District 50's motion to refuse the CIO a place on the ballot in any election which might be directed. For reasons hereinafter stated the

<sup>1</sup> The Trial Examiner granted a motion, to which there were no objections, permitting District 50 to amend the petition correcting the Company's name.

<sup>2</sup> At the beginning of the hearing, the Trial Examiner granted a motion to intervene made by the CIO.

motion is denied. 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

Brown Shoe Company, Inc., is a New York corporation. We are here concerned with one of its plants located in Charleston, Illinois, where it is engaged in the manufacture of women's shoes. During 1943, the Company purchased raw materials in excess of \$1,000,000 in value, of which 51 percent was shipped to it from sources outside the State of Illinois. During the same period, the Company's products sold for more than \$1,000,000 in value, of which more than 51 percent was shipped to points outside the State of Illinois.

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

#### II. THE ORGANIZATIONS INVOLVED

Shoe Workers of District 50, United Mine Workers of America, is a labor organization, admitting to membership employees of the Company.

United Shoe 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 has refused to grant recognition to District 50 as the exclusive bargaining representative of certain of its employees until District 50 has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that District 50 represents a substantial number of employees in the unit hereinafter found appropriate.<sup>3</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.

<sup>3</sup> The Field Examiner reported that District 50 submitted 511 membership cards, 239 of which bore the names of persons listed on the Company's pay roll of June 10, 1944, which contained the names of approximately 711 employees in the appropriate unit. There were 148 cards dated in 1943, 12 dated January 1944, 9 dated February 1944, 9 dated March 1944, 21 dated April 1944, 8 dated May 1944, 22 dated June 1944, and 10 were undated.

The CIO submitted 224 application-for-membership cards, 106 of which bore the names of persons listed on the aforesaid pay roll. There were 4 cards dated in 1941, 28 dated in 1942, and 74 were undated.

There were 80 persons who signed both District 50 and CIO cards.

## IV. THE APPROPRIATE UNIT

The Company, District 50, and the CIO agree that the appropriate bargaining unit should be composed of all employees of the Company's plant at Charleston, Illinois, including watchmen, inspectors, janitors, supply room attendants, maintenance employees, and firemen, but excluding office and clerical employees, timekeepers, record writers, stylists and designers, lunchroom employees, factory nurse, foremen, foreladies, assistant foremen, instructors, chief engineer, assistant engineer, and 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. There is a dispute concerning the inclusion of the commissary and stockroom clerks. District 50 seeks to include them in the appropriate unit. The CIO wants to include only the stockroom clerks and the Company objects to the inclusions of both the stockroom and commissary clerks, contending that they are confidential employees since they have access to the Company's records.

*Stockroom Clerks*

The Company employs three stockroom clerks who work in the stockroom, a screened-off area in the cutting department. The stockroom clerks receive all incoming leather, make up jobs and distributed them to the cutters, and keep records of the description of the leather, amount of leather used and returned, and cutting time on each job. The record entries consume approximately 25 percent of their time. Because they do keep such records, the Company contends they are confidential employees. However, since the stockroom clerks are under the supervision of the cutting department foreman, since they are in constant contact with the production employees, and since they do not have access to confidential information relating to the Company's labor policies, we shall include them within the unit.

*Commissary Clerks*

The Company employs four commissary clerks who work in a screened-off area near the shipping and receiving entrance. Their work consists of checking incoming supplies and materials, handing out materials and machine parts, keeping inventory, and keeping records of supplies and materials. Keeping records requires about 65 percent of the commissary clerks' time. While they have some contact with production employees, they are under the supervision of the office manager and the clerical aspect of their functions is thus underscored. Accordingly, we shall exclude them from the unit.

We find, in accordance with the agreement of the parties and our foregoing determinations, that all employees of the Company's plant

at Charleston, Illinois, including watchmen, inspectors, janitors, supply room attendants, maintenance employees, firemen, and stockroom clerks, but excluding office and clerical employees, commissary clerks, timekeepers, record writers, stylists and designers, lunchroom employees, factory nurse, foremen, foreladies, assistant foremen, instructors, chief engineer, assistant engineer, and 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, 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 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.

Although District 50 moved to exclude the CIO from participation in the election hereinafter directed, we regard the CIO's showing as sufficient to entitle it to a place on the ballot.\*

#### 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 Brown Shoe Company, Inc., Charleston, Illinois, 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 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 exclud-

\* See footnote 3, *supra*.

ing 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 they desire to be represented by Shoe Workers of District 50, UMWA, or by United Shoe Workers of America, CIO, for the purposes of collective bargaining, or by neither.

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