

In the Matter of SOL SAMUEL d/B/A NATIONAL BAG COMPANY<sup>1</sup> and  
ST. LOUIS JOINT BOARD, TEXTILE WORKERS UNION OF AMERICA,  
C. I. O.

*Case No. 14-R-996.—Decided September 6, 1944*

*Mr. Keith W. Blinn and Miss Helen F. Humphrey, for the Board.  
Messrs. Arthur G. McDowell and Frank J. Swantner, of St. Louis,  
Mo., for the Union.*

*Mr. Sam A. Kessler, of St. Louis, Mo., for Ben Samuels.*

*Mr. Herbert C. Kane, of counsel to the Board.*

## DECISION

AND

## DIRECTION OF ELECTION

### STATEMENT OF THE CASE

Upon a petition duly filed by St. Louis Joint Board, Textile Workers Union of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Sol Samuel d/b/a National Bag Company, St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Joseph L. Hektoen, Trial Examiner. Said hearing was held at St. Louis, Missouri, on August 2, 1944. The Company and the Union 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. All parties were afforded an opportunity to file briefs with the Board.

<sup>1</sup> The caption of the case was changed on motion at the hearing to the above. The case was originally captioned: National Bag Company.

<sup>2</sup> Ben Samuels, the brother of Sol Samuel, the sole owner of the Company, appeared specially to move for a continuance on the ground that the Company had not been properly served, since his brother was absent, due to ill health, at the time the Company received notice of the instant proceeding. This notice was served by registered mail pursuant to the Rules and Regulations of the Board. However, it appeared that Ben Samuels was in full charge of the Company's operations in the absence of his brother and testified at the hearing concerning the business of the Company. The ruling of the Trial Examiner denying the motion is hereby affirmed.

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

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

The Company processes and jobs used textile bags. It has its sole place of business in St. Louis, Missouri. Over 80 percent of the used textile bags is shipped to the Company's plant from outside the State of Missouri. The total rail shipments received during 1944 had a value of approximately \$35,000. During the 3-week period preceding the hearing, the value of shipments received by truck was valued at approximately \$14,000. About 50 percent of all its processed or jobbed goods is shipped to points outside the State of Missouri. During the 2-month period preceding the hearing, said shipments were valued at approximately \$42,000.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATION INVOLVED

St. Louis Joint Board, Textile Workers Union of America, affiliated with the Congress of Industrial Organizations, 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 employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union 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.

#### IV. THE APPROPRIATE UNIT

We find that all employees, excluding office and clerical employees, foremen, 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

<sup>3</sup> The Field Examiner reported that the Union submitted seven membership cards; that there are eight employees in the appropriate unit; and that the cards were all dated May 25, 1944.

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.

#### 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 Sol Samuel, d/b/a National Bag Company, 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 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 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 St. Louis Joint Board, Textile Workers Union of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.