

In the Matter of AMERICAN WOOLEN COMPANY, SHAWSHEEN MILLS and
TEXTILE WORKERS UNION OF AMERICA, C. I. O

Case No. 1-R-2019.—Decided September 20, 1944

Mr. Spencer B. Montgomery, of Boston, Mass., for the Company.

Mr. James W. Bamford, of Lawrence, Mass., for the C. I. O.

Miss Mary Taccone, of Lawrence, Mass., for the A. F. of L.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Textile Workers Union of America, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of American Woolen Company, Shawsheen Mills, Andover, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddaira, Jr., Trial Examiner. Said hearing was held at Boston, Massachusetts, on August 31, 1944. At the commencement of the hearing the Trial Examiner granted a motion of Department of Woolen & Worsted Workers of America, U. T. W. A., A. F. of L., herein called the A. F. of L., to intervene. The Company, the C. I. O., and the A. F. of L., 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

American Woolen Company is a Massachusetts corporation with its executive offices at New York, New York. We are here concerned with its plant at Andover, Massachusetts, known as the Shawsheen Mills. Almost all raw materials used at the Shawsheen Mills are shipped to it from points outside the State of Massachusetts. The Company produces finished products at its Shawsheen Mills valued in excess of \$1,000,000 annually, about 90 percent of which is 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 ORGANIZATIONS INVOLVED

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

Department of Woolen & Worsted Workers of America, U. T. W. A., is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On July 17, 1944, the C. I. O. requested the company to recognize it as exclusive bargaining representative of the employees at the Shawsheen Mills. The Company refused this request until such time as the C. I. O. is certified by the Board.

On December 10, 1942, the Company and the A. F. of L. entered into an exclusive collective bargaining contract. The contract provides that it shall remain in effect until September 8, 1944, and for a period of 2 years thereafter unless either party thereto notifies the other of a desire to terminate not less than 30 days prior to September 8, 1944. Inasmuch as the C. I. O. made its claim upon the Company prior to August 8, 1944, the date upon which the contract might have renewed itself, we find that it does not constitute a bar to a determination of representatives at this time.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the C. I. O. represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

¹The Field Examiner reported that the C. I. O. presented 611 membership and authorization cards. There are approximately 2090 employees in the appropriate unit. The

We find 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 substantial agreement with a stipulation of the parties, that all production and maintenance employees at the Shawsheen Mills of the Company, including section hands, but excluding clerical employees engaged exclusively in clerical work for department heads, main office workers, guards, executives, managers, submanagers, superintendents, foremen, overseers, second hands, 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 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 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.

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 American Woolen Company, Shawsheen Mills, Andover, 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 imme-

A. F. of L. did not present any evidence of representation but relies upon its contract as evidence of its interest in the instant proceeding.

diately 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 they desire to be represented by Textile Workers Union of America, C. I. O., or by Department of Woolen & Worsted Workers of America, U. T. W. A., A. F. of L., for the purposes of collective bargaining, or by neither.