

In the Matter of EDWIN H. BLUM *and* INTERNATIONAL LADIES' GARMENT
WORKERS UNION, AFFILIATED WITH THE AMERICAN FEDERATION OF
LABOR

Case No. 15-R-1196.—Decided September 23, 1944

Mr. Lawrence A. Molony, of New Orleans, La., for the Company.
Mr. Joseph Jacobs, of Atlanta, Ga., and *Mr. John S. Martin*, of
Chattanooga, Tenn., for the Union.
Mr. Jack Mantel, of counsel to the Board.

DECISION.
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Ladies' Garment Workers Union, affiliated with the American Federation of Labor, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Edwin H. Blum, New Orleans, Louisiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before LeRoy Marceau, Trial Examiner. Said hearing was held at New Orleans, Louisiana, on August 28, 1944. The Company and the Union 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. 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

Edwin H. Blum is an individual engaged in the manufacture of clothing, maintaining his principal place of business at New Orleans, Louisiana. During the year 1943, the Company purchased raw
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materials valued at \$50,000, approximately 95 percent of which was shipped to its plant from points outside the State of Louisiana. During the same period, the Company's finished products exceeded \$50,000 in value, 50 percent of which was sold and shipped to points outside the State.

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

II. THE ORGANIZATION INVOLVED

International Ladies' Garment Workers Union, affiliated with the American Federation of Labor, 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.¹

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

The Union claims that all production and maintenance employees of the Company, excluding clerical and supervisory employees, constitute an appropriate unit.

The Company contends as appropriate, separate units for sewing machine operators, cutters, pressers, inspectors, shipping clerks, and the machinist. In support of its contention, the Company insists that there is no community of interest among the various departments. Evidence introduced at the hearing, however, shows that there is no such diversity of duties among the employees as would warrant separate units such as the Company contends to be appropriate.

We find that all production and maintenance employees of the Company, excluding office employees and 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.

¹ The Board agent reported that the Union submitted 127 application cards, and that there are 149 employees in the appropriate unit

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 Edwin H. Blum, New Orleans, Louisiana, 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 Fifteenth 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 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 or not they desire to be represented by International Ladies' Garment Workers Union, affiliated with the American Federation of Labor, for the purposes of collective bargaining.