

In the Matter of **SENECA KNITTING MILLS, INC. and TEXTILE WORKERS  
UNION OF AMERICA, C. I. O.**

*Case No. 3-R-841.—Decided October 7, 1944*

*Mr. Joseph J. Doyle*, of Seneca Falls, N. Y., for the Company.

*Mr. Jack Rubinstein*, of New York City, for the CIO.

*Mr. S. M. Flemma*, of Utica, N. Y., for the AFL.

*Mr. Allan R. Wheeler*, of Geneva, N. Y., for the Teamsters.

*Mr. Bernard Goldberg*, of counsel to the Board.

**DECISION**

**AND**

**DIRECTION OF ELECTION**

**STATEMENT OF THE CASE**

Upon an amended petition duly filed by Textile Workers Union of America, C. I. O., herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of Seneca Knitting Mills, Inc., Seneca Falls, New York, and Oswego, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Milton A. Nixon, Trial Examiner. Said hearing was held at Syracuse, New York, on September 15, 1944. The Company, the CIO, and Locals 2585 and 68, United Textile Workers of America, A. F. L., herein called the AFL, appeared and participated.<sup>1</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> A representative of the International Brotherhood of Teamsters, Local 506, A. F. L., herein called the Teamsters, appeared at the hearing but announced the withdrawal of the Teamsters from the proceeding when called upon to make a formal motion of intervention.

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

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

Seneca Knitting Mills, Inc., a New York corporation, is engaged in the manufacture of knitted cloth and work socks for the Army and Navy at its plants in Seneca Falls and Oswego, New York. During the year ending May 31, 1944, the Company used in its manufacturing operations, raw materials valued in excess of \$500,000, of which more than 89 percent came from outside the State of New York. During the same period the Company manufactured goods having a value in excess of \$1,000,000, of which approximately 78 percent was shipped to points 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 ORGANIZATIONS INVOLVED

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

Locals 2585 and 68, United Textile Workers of America, 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 CIO as the exclusive bargaining representative of its employees until the CIO 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 CIO represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</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, in accord with a stipulation of the parties, that all production and maintenance employees of the Company's Seneca Falls, New

<sup>2</sup> The Field Examiner reported that the CIO submitted 127 authorization cards; that the names of 120 persons appearing on the cards were listed on the Company's pay roll of August 5, 1944, which contained the names of 381 employees in the appropriate unit; and that the cards were dated as follows: 42 in June 1944, 42 in July 1944, 7 in August 1944, and 29 were undated. On September 14, 1943, the Company and the AFL entered into a collective bargaining contract which expired on September 1, 1944. The AFL relies on the foregoing agreement with the Company to establish its interest.

York, and Oswego, New York, plants of the Company, including watchmen and truck drivers, but excluding office and clerical employees, working foremen and foreladies, executives 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.

#### 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 Seneca Knitting Mills, Inc., Seneca Falls, 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 they desire to be represented by Textile Workers Union of America, C. I. O., or by Locals 2585 and 68, United Textile Workers of America, A. F. L., for the purposes of collective bargaining, or by neither.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.