

In the Matter of M. T. STEVENS & SONS CO., MERRIMACK WOOLEN MILLS
and TEXTILE WORKERS UNION OF AMERICA, C. I. O.

Case No. 1-R-2082.—Decided October 31, 1944

Mr. William M. Byrne, of Boston, Mass., for the Company.
Mr. Michael Schoonjans, 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 M. T. Stevens & Sons Co., Merrimack Woolen Mills, Dracut, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Samuel G. Zack, Trial Examiner. Said hearing was held at Lowell, Massachusetts, on September 25, 1944. At the commencement of the hearing the Trial Examiner granted a motion of Department of Woolen & Worsted Workers of United Textile Workers of America, 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

M. T. Stevens & Sons Co. is a Massachusetts corporation with its executive offices at Andover, Massachusetts. We are here concerned with its plant at Dracut, Massachusetts, known as the Merrimack Woolen Mills. The Company uses raw materials valued in excess of

\$1,000,000 annually at its Merrimack Woolen Mills, almost all of which is shipped to it from points outside the State of Massachusetts. The Company produces woolen and worsted products at its Merrimack Woolen Mills valued in excess of \$1,000,000 annually, all 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 United Textile Workers of America, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the C. I. O. as exclusive bargaining representative of the employees at the Merrimack Woolen Mills until such time as the C. I. O. is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicated that the C. I. O. represents a substantial number of employees in the unit hereinafter found to be 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 C. I. O. urges that all production and maintenance employees at the Merrimack Woolen Mills of the Company, including section hands or third hands, but excluding office and clerical employees, militarized guards and watchmen, executives, second hands, and any other supervisory employees constitute an appropriate unit. The only controversy with respect to the unit concerns factory clerks.

The Company employs two persons classified as factory clerks. They work in the plant with the production employees and are under the same supervision as the latter. We shall include them in the unit.

We find that all production and maintenance employees at the Merrimack Woolen Mills of the Company, including section hands or third hands, factory clerks, and non-militarized guards and watch-

¹ The Field Examiner reported that the C. I. O. presented 141 authorization cards. There are approximately 405 employees in the appropriate unit. The A. F. of L. presented 58 authorization cards.

men, but excluding office and clerical employees, militarized guards and watchmen, executives, 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 M. T. Stevens & Co., Merrimack Woolen Mills, Dracut, 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 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 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 United Textile Workers of America, A. F. of L., for the purposes of collective bargaining, or by neither.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.