

In the Matter of DORLEXA DYEING AND FINISHING COMPANY *and*  
INDUSTRIAL TRADES UNION OF AMERICA

*Case No. 1-R-2089.—Decided November 16, 1944*

*Mr. Fisher Abramson*, of New Bedford, Mass., for the Company.  
*Mr. Paul R. Ryan*, of Woonsocket, R. I., for the Union.  
*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Industrial Trades Union of America, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Dorlexa Dyeing and Finishing Company, Woonsocket, Rhode Island, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert E. Greene, Trial Examiner. Said hearing was held at Woonsocket, Rhode Island, on October 30, 1944. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. At the close of the hearing, counsel for the Company moved to dismiss the petition. The Trial Examiner reserved ruling thereon. The motion is denied for the reasons stated in Section III, *infra*. 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

Dorlexa Dyeing and Finishing Company is a partnership operating a plant at Woonsocket, Rhode Island, where it is engaged in the dyeing and finishing of cloth. During the 6-month period ending

October 21, 1944, the Company purchased raw materials valued at about \$120,000, all of which was shipped to it from points outside the State of Rhode Island. During the same period the Company received about \$300,000 for its services, all of which was performed for concerns within the State of Rhode Island. The latter concerns shipped all goods worked upon by the Company to points outside the State of Rhode Island.

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

## II. THE ORGANIZATION INVOLVED

Industrial Trades Union of America is a labor organization, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as exclusive collective bargaining representative of its employees until such time as the Union is certified by the Board.

The Company takes the position that no election should be directed at this time for the reason that in a consent election conducted on March 20, 1944, a majority of its employees had voted against representation by the Union.<sup>1</sup> Eight months have elapsed since the consent election. The record discloses that the Union has membership-application cards bearing the names of a substantial number of the employees. All of these cards are dated subsequent to the election of March 20, 1944.<sup>2</sup> Since no collective bargaining representative was chosen as a result of that election, and in view of the fact that a substantial number of the Company's employees appear to have indicated since that election a desire for representation by the Union, we believe that the policies of the Act will best be effectuated by conducting an election on the present petition.<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, in substantial agreement with the parties, that all production and maintenance employees of the Company, excluding clerical employees, Company officials, second hands, and any other super-

<sup>1</sup> The record shows that 19 employees voted in favor of the union, 28 against it, and 1 ballot was challenged.

<sup>2</sup> According to a statement introduced into evidence at the hearing the Union submitted 20 authorization cards. There are approximately 54 employees within the appropriate unit.

<sup>3</sup> *Matter of New York Central Iron Works, Hagerstown, Maryland*, 37 N. L. R. B. 894.

visory 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 Dorlexa Dyeing and Finishing Company, Woonsocket, Rhode Island, 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 or not they desire to be represented by Industrial Trades Union of America, for the purposes of collective bargaining.