

In the Matter of FERODO AND ASBESTOS, INCORPORATED and TEXTILE
WORKERS' UNION OF AMERICA, C. I. O.

Case No. 4-R-1556.—Decided November 22, 1944

Hirsch & Kleinbard, Mr. Joseph S. Kleinbard, of Philadelphia, Pa., for the Company.

Mr. Sal Stetin, of Newark, N. J. and Mr. Simon Saller, of New Brunswick, N. J., for the C. I. O.

Mr. Edward Hirschberger, of Lancaster, Pa., 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 Ferodo and Asbestos, Incorporated, New Brunswick, New Jersey, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. Said hearing was held at New Brunswick, New Jersey, on November 2, 1944. At the commencement of the hearing the Trial Examiner granted a motion 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

Ferodo and Asbestos, Incorporated, is a New Jersey corporation operating a plant at New Brunswick, New Jersey, where it is engaged

in the manufacture of asbestos textiles and friction materials. During 1943 the Company purchased raw materials valued in excess of \$200,000, over 70 percent of which was shipped to it from points outside the State of New Jersey. During the same period the Company produced finished products valued at about \$1,000,000, 95 percent of which was shipped to points outside the State of New Jersey.

The Company admits, for the purpose of this proceeding, 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.

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

On September 15, 1944, the C. I. O. requested the Company to recognize it as exclusive bargaining representative of the Company's employees. The Company refused this request until such time as the C. I. O. is certified by the Board.

The Company and the A. F. of L. were parties to an exclusive collective bargaining contract which expired by its terms on October 24, 1944. None of the parties urges the contract as a bar to this proceeding.

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

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 a stipulation of the parties, that all employees at the New Brunswick plant of the Company, excluding office and clerical employees, salesmen, office janitor, watchmen who are sworn as military police, guards, research employees,

¹The Field Examiner reported that the C. I. O. presented 64 authorization cards. There are approximately 97 employees in the appropriate unit. The 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.

foremen, managers, strawbosses, 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 Ferodo and Asbestos, Incorporated, New Brunswick, New Jersey, 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 Fourth 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 United Textile Workers of America, A. F. of L., for the purposes of collective bargaining, or by neither.