

In the Matter of GEILICH TANNING COMPANY *and* UNITED LEATHER WORKERS' UNION, LOCAL #112, A. F. OF L.

*Case No. 1-R-2150.—Decided December 21, 1944*

*Sugarman & Schneider*, by *Mr. Edward Schneider*, of Boston, Mass., for the Company.

*Messrs. George Retos and Stephen Pronecki*, of Taunton, Mass., for the A. F. of L.

*Mr. Francis D. Mone* of Taunton, Mass., for the Independent.

*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Leather Workers' Union, Local #112, A. F. of L., herein called the A. F. of L., alleging that a question affecting commerce had arisen concerning the representation of employees of Geilich Tanning Company, Taunton, Massachusetts, 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 Taunton, Massachusetts, on November 18, 1944. At the commencement of the hearing, the Trial Examiner granted a motion of Taunton Leather Workers' Union, herein called the Independent, to intervene. The Company, the A. F. of L., and the Independent 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

Geilich Tanning Company operates a plant at Taunton, Massachusetts, where it is engaged in the tanning of leather. The Company

purchases raw materials valued in excess of \$100,000 annually, over 50 percent of which is shipped to it from points outside the Commonwealth of Massachusetts. During the same period the Company sells products valued in excess of \$100,000, over 50 percent of which is shipped to points outside the Commonwealth of Massachusetts.

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

## II. THE ORGANIZATIONS INVOLVED

United Leather Workers' Union, Local #112, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

Taunton Leather Workers' Union is a labor organization, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

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

On May 6, 1942, the Company and Federal Labor Union, Local 32105, herein called the Federal, entered into an exclusive bargaining contract. The contract provides that it shall remain in effect for 1 year and from year to year thereafter unless notice of a desire to terminate is given by either party thereto not less than 30 days prior to any annual expiration date. The record indicates that the Federal has disbanded, turned its charter back to its parent organization and that the Company has terminated the agreement. Under these circumstances, we find that the contract is not a bar to a determination of representatives at this time.

A statement of the Trial Examiner, read into evidence at the hearing, indicates that the A. F. of L. represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</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 a stipulation of the parties, that all production and maintenance employees of the Company, in-

<sup>1</sup> The Trial Examiner reported that the A. F. of L. presented 72 authorization cards bearing the names of persons that appear on the Company's pay roll of October 21, 1944. There are approximately 93 persons in the appropriate unit.

He further reported that the Independent presented 22 membership application cards bearing the names of persons on the October 21, 1944, pay roll.

cluding watchmen and working foremen, but excluding engineers, office employees, executives, foremen, 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 find that the question concerning representation which has arisen can best be resolved by means of an election by secret ballot.

On October 16, 1944, the employees of the Company ceased their employment as a result of a labor dispute, and the operations of the Company have been at a virtual standstill since that time. The record further indicates that none of the employees have been replaced by the Company. Accordingly, we shall direct that the employees eligible to vote in the election shall, except as hereinafter indicated, be those who were employed during the pay-roll period immediately preceding October 16, 1944, subject to the limitations and additions set forth in the Direction of Election herein.

Since the commencement of the strike the Company has determined to discontinue its split department and its night shift, and in accordance with this determination notified by letter each of the employees involved that their services were no longer required and that the letters should be considered as releases and statements of availability. The record indicates that the Company discontinued its night shift because of a lack of raw materials with which to operate and that it discontinued its split department because of its unprofitable operations and for the further reason that the only person who could conduct the operations of said department had left its employ. Under all the circumstances, we conclude that the persons formerly on the night shift and in the split department are not eligible to vote in the election.

#### 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 Geilich Tanning Company, Taunton, 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 October 16, 1944, 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 United Leather Workers' Union, Local #112, A. F. of L., or by Taunton Leather Workers' Union, for the purposes of collective bargaining, or by neither.