

In the Matter of ARMOUR LEATHER COMPANY and LOCAL #211, INTERNATIONAL FUR & LEATHER WORKERS UNION OF UNITED STATES AND CANADA, C. I. O.

Case No. 4-R-1554.—Decided January 1, 1945

Mr. James H. Herbert, of New York City, for the Company.

Mr. George O. Pershing, of Williamsport, Pa., 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 Local #211, International Fur & Leather Workers Union of United States and Canada, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Armour Leather Company, Williamsport, Pennsylvania, 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 Williamsport, Pennsylvania, on December 7, 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. 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

Armour Leather Company operates leather tanneries in five cities in the Commonwealth of Pennsylvania. During 1944 the Company used raw materials valued in excess of \$50,000, over 50 percent of which was shipped to it from points outside the Commonwealth of Pennsyl-

vania. During the same period the Company sold goods valued in excess of \$100,000, over 75 percent of which was shipped to points outside the Commonwealth of Pennsylvania.

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

II. THE ORGANIZATION INVOLVED

Local #211, International Fur & Leather Workers of United States and Canada, is a labor organization affiliated with the Congress of Industrial Organizations, 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 certain of its employees until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union 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 Union urges that all traveling construction employees of the Company, excluding supervisors, constitute an appropriate unit. The Company contends that such employees do not constitute an appropriate unit because of the transitory nature of their work.

The Company operates five plants in the Commonwealth of Pennsylvania and the employees involved work at the various plants as need arises. They perform construction work and major repairs and ordinarily do not work with the regular maintenance crews of the respective plants. Their working conditions, hours, and rates of pay are dissimilar to those of the regular employees. All of them are carried on the pay roll of the Williamsport plant of the Company. The record indicates that the traveling construction employees constitute a well defined homogeneous group.

We find that all traveling construction employees of the Company, excluding supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of em-

¹ The Field Examiner reported that the Union submitted three authorization cards. There are approximately five employees in the appropriate unit.

ployees, 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 Armour Leather Company, Williamsport, Pennsylvania, 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 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 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 Local #211, International Fur & Leather Workers Union of United States and Canada, C. I. O., for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.