

In the Matter of J. C. BLAIR COMPANY and UNITED CONSTRUCTION WORKERS, AFFILIATED WITH UNITED MINE WORKERS OF AMERICA

Case No. 6-R-1065.—Decided January 11, 1945

Thorp, Bostwick, Reed and Armstrong, by Mr. C. Jewett Henry, of Huntingdon, Pa., and Mr. Kenneth G. Jackson, of Pittsburgh, Pa., for the Company.

Messrs. Paul M. Northern and Lee E. Hoover, both of Huntingdon, Pa., for the Union.

Mr. Louis Monas, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Construction Workers, affiliated with United Mine Workers of America, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of J. C. Blair Company, Huntingdon, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before W. G. Stuart Sherman, Trial Examiner. Said hearing was held at Huntingdon, Pennsylvania, on November 30, 1944. The Company and the Union appeared and participated. All parties 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 an 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

J. C. Blair Company, a subsidiary of Western Tablet & Stationery Corporation, is a Pennsylvania corporation having its principal office 59 N. L. R. B., No. 278.

and plant at Huntingdon, Pennsylvania, where it is engaged in the manufacture, sale and distribution of stationery supplies. During the past year the Company purchased materials valued in excess of \$1,000,000, of which approximately 90 percent was obtained from sources outside the Commonwealth of Pennsylvania. During the same period the Company manufactured finished products valued in excess of \$1,000,000, of which approximately 85 percent was sold and shipped to points outside that Commonwealth.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Construction Workers, affiliated with United Mine Workers of America, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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 Company and the Union are in agreement that the appropriate unit should consist of all production and maintenance employees, including truck drivers and their helpers, and watchmen, but excluding all clerical employees² and supervisory employees. The sole dispute between the parties relates to floorladies, whom the Union would exclude on the ground that they are supervisory employees.

The record discloses that floorladies direct the work of as many as 50 to 60 employees. Among other responsibilities, it is their duty to

¹ The Field Examiner reported that the Union submitted 138 membership and authorization cards, dated September, October, and November 1944, 137 of which bore apparently genuine original signatures, and that there are 350 employees in the unit alleged to be appropriate. At the hearing, the Union submitted to the Trial Examiner 26 additional membership and authorization cards dated November 1944. The Trial Examiner stated that they all bore apparently genuine original signatures.

² The parties define clerical employees to include all employees in the office, retail and wholesale departments.

man machines with satisfactory workers and to carry out production schedules. Generally they do not operate any machines. Under certain conditions they may transfer employees from one machine to another, or to other departments. They are consulted by the foremen regarding the rate of production, dependability, adaptability and attitude of new employees in connection with progress reports. In addition, they attend supervisory meetings on occasion. We are of the opinion that floorladies possess sufficient *indicia* of supervisory authority to warrant their exclusion from the unit.

We find that all production and maintenance employees of the Company, including truck drivers and their helpers, and watchmen, but excluding all clerical employees, floorladies and all 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 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.³

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 J. C. Blair Company, Huntingdon, 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 Sixth 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,

³ The Union requested that it be designated on the ballot as its name appears in the Direction.

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 United Construction Workers, affiliated with the UMWA, for the purposes of collective bargaining.