

In the Matter of BRIDGEWATER WOOLEN COMPANY and TEXTILE
WORKERS UNION OF AMERICA, CIO

Case No. 1-R-2092.—Decided November 1, 1944

Mr. Paul R. Foisy, of Lowell, Mass., for the Company.

Mr. J. Harold Daoust, of Nashua, N. H., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

Upon petition duly filed by Textile Workers Union of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Bridgewater Woolen Company, Bridgewater, Vermont, 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 Rutland, Vermont, on October 14, 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

Bridgewater Woolen Company is a Vermont corporation operating a plant at Bridgewater, Vermont, where it is engaged in the manufacture of woollens. During its fiscal year ending June 31, 1944, the Company purchased 1,000,000 pounds of raw materials, all of which was shipped to it from points outside the State of Vermont. During the same period, the Company manufactured about 1,000,000 yards of woolen cloth, approximately 95 percent of which was shipped to points outside the State of Vermont.

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

II. THE ORGANIZATION INVOLVED

Textile Workers Union of America 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 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 within 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 production and maintenance employees of the Company, excluding executives, supervisors, employees in the retail and dressmaking departments, and office and clerical employees, constitute an appropriate unit. The only controversy with respect to the unit concerns the employees in the retail and dressmaking departments. The Company would include all such employees in the unit, while the Union would exclude them.

The Company employs four employees in its retail store and nine in its dressmaking department. The store and dressmaking departments are supervised directly from the main office, and the employees in both of these departments are geographically separated from the textile mill employees. It appears that the employees involved are employed regularly in the two departments and that their duties are in the nature of garment workers rather than textile mill employees. Under all the circumstances, we shall exclude them from the unit.

We find that all production and maintenance employees of the Company, excluding employees in the retail and dressmaking departments, office and clerical employees, executives, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend

¹ The report of the Field Examiner shows that the Union submitted 99 membership application cards. There are approximately 164 employees in the appropriate unit.

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 Bridgewater Woolen Company, Bridgewater, Vermont, 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 election, to determine whether or not they desire to be represented by Textile Workers Union of America, C. I. O., for the purposes of collective bargaining.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.