

In the Matter of ARMOUR AND COMPANY, DOING BUSINESS AS ARMOUR LEATHER COMPANY and INTERNATIONAL FUR & LEATHER WORKERS UNION, LOCAL No. 207, CIO

*Case No. 6-R-1057.—Decided February 3, 1945*

*Mr. James H. Herbert, of New York City, and Messrs. Paul H. Ritter and Charles H. Miller, of Williamsport, Pa., for the Company.*  
*Mr. George O. Pershing, of Williamsport, Pa., for the Union.*  
*Mr. Samuel G. Hamilton, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by International Fur & Leather Workers Union, Local No. 207, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Armour and Company, doing business as Armour Leather Company, Westover, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Allen Sinsheimer, Jr., Trial Examiner. Said hearing was held at Williamsport, Pennsylvania, on January 3, 1945. 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.<sup>1</sup> At the hearing the Company moved to dismiss the petition. Ruling on the motion was reserved for the Board. For the reasons stated in Section III, *infra*, the motion is hereby denied. 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.

<sup>1</sup> Although duly served with Notice of Hearing, Westover Leather Workers Association did not appear or participate.

Upon the entire record in the case, the Board makes the following:

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

Armour and Company, doing business as Armour Leather Company, operates numerous plants in the Commonwealth of Pennsylvania and the State of West Virginia, as well as in other States of the United States. At its Westover, Pennsylvania, plant, solely involved herein, the Company is engaged in the tanning of sole leather. During the past year it purchased for use at the Westover plant raw materials, consisting mainly of hides and tanning chemicals, of a value in excess of \$100,000, of which approximately 90 percent originated from points outside the Commonwealth of Pennsylvania. Sole leather of a value in excess of \$250,000 was tanned at the Westover plant during the same period, of which approximately 10 percent was sold and shipped directly to points outside the State. Approximately all of the remaining tanned sole leather was shipped to another plant of the Company, located at Williamsport, Pennsylvania, for further processing. At the Williamsport plant this leather was commingled with leather from various other plants of the Company, and approximately 60 percent of these combined products was subsequently sold and shipped to out-of-State customers.

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

#### II. THE ORGANIZATION INVOLVED

International Fur & Leather Workers Union, Local No. 207, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

#### III. THE QUESTION CONCERNING REPRESENTATION

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

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</sup>

<sup>2</sup> The Field Examiner reported that the Union submitted 53 authorization cards and that the cards were dated: 19 in January 1944, 1 in April 1944, 3 in July 1944, 21 in September 1944, and 9 in October 1944. He further reported that there were 84 employees in the alleged appropriate unit. The Company contends that there has been no proper showing of the Union's representation among its employees, that testimony concerning this matter should have been taken at the hearing, and that, in any event, the Union's showing, as evidenced by the Field Examiner's report, is insufficient, for the reason that the

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 seeks a unit consisting of all production and maintenance employees of the Company's Westover plant, including powerhouse employees, watchmen, and the charwoman, but excluding clerical and supervisory employees. The Company agrees with the position of the Union, except that it would exclude watchmen and the charwoman.

*Watchmen:* The Company employs two unmilitarized watchmen. Their primary duties apparently are to keep under surveillance the Company's plant when it is not in operation. Although they are deputized by the Court of Common Pleas of Clearfield County, Pennsylvania, and are authorized to bear arms, they do not actually carry arms, do not wear uniforms or badges, and apparently perform no monitorial functions with respect to the other employees in the plant. Since they merely perform the usual duties of watchmen, we shall include them in the unit.<sup>3</sup>

*The charwoman:* In a prior proceeding before the Board involving the same plant of the Company, the charwoman was included in the appropriate unit.<sup>4</sup> For the reasons stated in our prior decision, we shall include her.

We find that all production and maintenance employees of the Company at its Westover, Pennsylvania, plant, including powerhouse employees, watchmen, and the charwoman, but excluding clerical employees, and all 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 payroll period immediately preceding the date of the Direction of

cards submitted are not of recent date. As to the latter contention, since 30 of the 53 authorization cards are dated in September and October of 1944, sufficient evidence of present representation is shown. With respect to the Company's remaining contentions, we rejected similar arguments made by it in a prior proceeding involving its Sylva, North Carolina, plant. See *Matter of Armour Leather Company*, 57 N. L. R. B. 705.

<sup>3</sup> *Matter of Charlottesville Woolen Mills*, 59 N. L. R. B. 1160.

<sup>4</sup> See *Matter of Armour and Company of Delaware*, 48 N. L. R. B. 1144.

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 and Company, doing business as Armour Leather Company, Westover, 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, 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 those employees 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 International Fur & Leather Workers Union, Local No. 207, CIO, for the purposes of collective bargaining.