

In the Matter of NARRAGANSETT KNITTING MILLS, INC. and INDUSTRIAL  
TRADES UNION OF AMERICA

*Case No. 1-R-2250.—Decided February 26, 1945*

*Higgins & Silverstein*, by *Mr. Sidney Silverstein*, of Woonsocket, R. I., for the Company.

*Mr. Joseph Bell*, of Woonsocket, R. I., for the I. T. U.

*Mr. Joseph C. Novo*, of Woonsocket, R. I., for the T. W. U. A.

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

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed<sup>1</sup> by Industrial Trades Union of America, herein called the I. T. U., alleging that a question affecting commerce had arisen concerning the representation of employees of Narragansett Knitting Mills, Inc., Woonsocket, Rhode Island, 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 Woonsocket, Rhode Island, on February 1, 1945. At the commencement of the hearing the Trial Examiner granted a motion of Textile Workers Union of America, herein called the T. W. U. A., to intervene. The Company, the I. T. U. and the T. W. U. A. appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. During the course of the hearing, counsel for the Company moved to dismiss the petition. The Trial Examiner reserved ruling thereon. The motion is hereby denied.

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<sup>1</sup> The Company contends that the petition should be dismissed because it was not filed in accordance with Article III, Section 1, of National Labor Relations Board Rules and Regulations—Series 3, as amended, which provides that the petition "shall be in writing, the original being signed and sworn to before any notary public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to administer oaths or acknowledgments." The petition was subscribed and sworn to before one Henry Heroux, who merely signed his name without any title or description. However, the petition bears an official notary seal which reads as follows: "Henry Heroux, notary public, Rhode Island." We conclude that the manner in which the petition was subscribed and sworn meets the requirements therefor set forth in Article III, Section 1, of the Rules.

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

Narragansett Knitting Mills, Inc., is a Rhode Island corporation operating a plant at Woonsocket, Rhode Island, where it is engaged in the manufacture of bathing suits and children's cotton-knit suits. During 1944 the Company purchased materials valued at about \$100,000, approximately 50 percent of which was shipped to it from points outside the State of Rhode Island and Providence Plantations. During the same period the Company sold products valued in excess of \$200,000, about 90 percent of which was shipped to points outside the State of Rhode Island and Providence Plantations.

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

#### II. THE ORGANIZATIONS INVOLVED

Industrial Trades Union of America is a labor organization, admitting to membership employees of the Company.

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 I. T. U. as exclusive collective bargaining representative of its employees until such time as the I. T. U. is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the I. T. U. represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>2</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.

<sup>2</sup>The Field Examiner reported that the I. T. U. presented 58 membership application cards bearing the names of persons who appear on the Company's pay roll for the period ending January 6, 1945. There are approximately 160 employees in the appropriate unit. The Field Examiner reported at the hearing that the T. W. U. A. presented 17 authorization cards bearing the names of persons who appear on the Company's pay roll of January 6, 1945. We find, contrary to the Company's contention, that the I. T. U. has made a substantial *prima facie* showing of representation.

## IV. THE APPROPRIATE UNIT

We find, in substantial agreement with the parties, that all employees of the Company, excluding office and clerical employees, 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.<sup>3</sup>

## V. THE DETERMINATION OF REPRESENTATION

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 Narragansett Knitting Mills, Inc., Woonsocket, Rhode Island, 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 the election, to determine whether they desire to be represented by Industrial Trades Union of America, or by Textile Workers Union of America, C. I. O., for the purposes of collective bargaining, or by neither.

<sup>3</sup> The parties agree that Abramick, Pasqualetto, Marchand, and Santucci, among others, fall within the classifications of office, clerical, or supervisory employees, and should be excluded from the unit.