

In the Matter of BEGGS & COBB, INC. and INTERNATIONAL FUR AND LEATHER WORKERS UNION OF THE UNITED STATES AND CANADA, LEATHER WORKERS DIVISION (CIO)

In the Matter of BEGGS & COBB, INC. AND JOHN J. RILEY Co. and UNITED LEATHER WORKERS INTERNATIONAL UNION, A. F. L., LOCAL 122

Cases Nos. 1-R-2146 and 1-R-2149, respectively.—Decided February 27, 1945

Mr. Robert E. Greene, for the Board.

Mr. Herbert H. Peters, of Peabody, Mass., for the Independents.

Messrs. Ropes, Gray, Best, Coolidge & Rugg, by *Mr. William F. Sullivan*, of Boston, Mass., for the Association.

Messrs. Grant and Angoff, by *Mr. Sidney S. Grant*, of Boston, Mass., for the C. I. O.

Messrs. Thomas J. Mullaney and *John H. Landenberger*, both of Philadelphia, Pa., and *Mr. William J. Regan*, of Peabody, Mass., for the A. F. L.

Mr. David V. Easton, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon a petition duly filed by International Fur and Leather Workers Union of the United States and Canada, Leather Workers Division (CIO), herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Beggs & Cobb, Inc., Winchester, Massachusetts, herein called Beggs, and upon a petition duly filed by United Leather Workers International Union, A. F. L., Local 122, herein called the A. F. L. alleging that questions affecting commerce had arisen concerning the representation of employees of Beggs and employees of John J. Riley Co., Woburn, Massachusetts, herein called Riley, the National Labor Relations Board consolidated the above cases by an order dated November 22, 1944, and provided for an appropriate consolidated hearing upon due notice before Samuel H. Jaffee, Trial Examiner. Said hearing was held at Salem, Massachusetts, on December 5, 1944. Beggs, Riley, the

C. I. O., and the A. F. L. appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues.¹ 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 this consolidated proceeding, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANIES

Beggs & Cobb, Inc., tanners, annually purchases raw materials for use at its Winchester, Massachusetts, plant valued in excess of \$1,000,000, of which more than 80 percent is received from points outside the Commonwealth of Massachusetts. Its sales of finished products exceed \$1,000,000 in value, of which approximately 85 percent represents the value of sales to points outside the Commonwealth of Massachusetts.

John J. Riley Co., tanners, purchases annually raw materials exceeding \$100,000 in value, of which approximately 25 percent is received from points outside the Commonwealth of Massachusetts. Its sales of finished products exceed \$100,000 in value, of which approximately 80 percent is shipped to points outside the Commonwealth of Massachusetts.

Beggs and Riley each admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

International Fur and Leather Workers Union of the United States and Canada, Leather Workers Division, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of Beggs and Riley.

United Leather Workers International Union, Local 122, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of Beggs and Riley.

III. THE QUESTIONS CONCERNING REPRESENTATION

Beggs and Riley refuse to bargain collectively with any labor organization until it has been certified by the Board.

¹ Massachusetts Leather Manufacturers Association, herein called the Association, and various other employers, herein called the Independents, involved in *Matter of Advance Tanning Company, et al.*, 60 N. L. R. B. 923, although appearing by counsel at this consolidated hearing, did not actively participate therein.

Statements of a Field Examiner for the Board, introduced into evidence at the hearing, indicate that the A. F. L. represents a substantial number of employees in each of the units hereinafter found appropriate.²

We find that questions affecting commerce have arisen concerning the representation of employees of both Beggs and Riley within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

Substantially in accordance with the agreement of the parties, we find that the following groups of employees constitute appropriate units within the meaning of Section 9 (b) of the Act:

1. All production employees of Beggs, excluding executives, office and clerical employees, engineers and firemen, maintenance 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;

2. All production employees of Riley, excluding executives, office and clerical employees, engineers and fireman, maintenance 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.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the questions concerning representation which have arisen be resolved by separate elections by secret ballot among the employees in the appropriate units who were employed during the payroll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTIONS

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 Beggs & Cobb,

² The Field Examiner reported that the A. F. L. submitted 277 designations allegedly signed by employees of Beggs, and 61 designations allegedly signed by employees of Riley. His report indicates that there are approximately 350 employees employed by Beggs, and that there are approximately 75 employed by Riley.

The interest of the C. I. O. in this consolidated proceeding is established by its collective bargaining agreements with Beggs and Riley

Inc., Winchester, Massachusetts, and John J. Riley Co., Woburn, Massachusetts, elections 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 units 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 those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the elections, to determine whether they desire to be represented by International Fur and Leather Workers Union of the United States and Canada, Leather Workers Division, affiliated with the Congress of Industrial Organizations, or by United Leather Workers International Union, Local 122, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.

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