

In the Matter of BOSTON HIDE AND LEATHER COMPANY *and* UNITED LEATHER WORKERS INTERNATIONAL UNION, LOCAL #122, AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR

In the Matter of C. S. HARRIMAN & SONS *and* UNITED LEATHER WORKERS INTERNATIONAL UNION, LOCAL #122, AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR

In the Matter of MURRAY LEATHER COMPANY *and* UNITED LEATHER WORKERS INTERNATIONAL UNION, LOCAL #122, AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR

*Cases Nos. 1-R-2115, 1-R-2119, and 1-R-2121, respectively.—Decided February 27, 1945*

*Mr. Robert E. Greene*, of counsel to the Board.<sup>1</sup>

*Mr. Harlow T. McColgan*, of Woburn, Mass., for Boston Hide.

*Mr. Caleb S. Harriman*, of Wilmington, Mass., for Harriman.

*Mr. James S. Murray*, of Woburn, Mass., for Murray.

*Mr. Herbert S. Peters*, of Peabody, Mass., for the Independents.<sup>2</sup>

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

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

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

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon three separate petitions duly filed by United Leather Workers International Union, Local #122, affiliated with the American Federation of Labor, herein called the A. F. L., alleging that questions affecting commerce had arisen concerning the representation of employees of Boston Hide and Leather Company, Woburn, Massachu-

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<sup>1</sup> Mr. Greene acted as Trial Examiner on the first day of the hearing in Case No. 1-R-2115 and Case No. 1-R-2121. He was subsequently replaced, and thereafter acted as counsel to the Board.

<sup>2</sup> Mr. Peters, although appearing at the hearing in Case No. 1-R-2119, took no active part in these consolidated proceedings, since the employers represented by him, referred to in *Matter of Advance Tanning Company, et al.*, 60 N. L. R. B. 923, as the Independents were not involved.

setts, C. S. Harriman & Sons, North Wilmington, Massachusetts, and Murray Leather Company, Woburn, Massachusetts, herein called Boston Hide, Harriman, and Murray, respectively, the National Labor Relations Board provided for appropriate hearings upon due notice before Robert E. Greene and Samuel H. Jaffee, Trial Examiners. Said hearings were held at Salem, Massachusetts, on November 27, 29, and December 5, 1944. Boston Hide, Harriman, Murray, the A. F. L., and International Fur and Leather Workers Union, C. I. O., Local #22, herein called the C. I. O., 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 hearings are free from prejudicial error, and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

The Board, on its own motion, hereby consolidates the foregoing cases for the purposes of decision, and, upon the consolidated record, makes the following:

#### FINDINGS OF FACT

##### I. THE BUSINESS OF THE COMPANIES

Boston Hide and Leather Company is engaged in purchasing hides, processing them into leather, and selling the finished leather products. For this purpose, it operates a plant located at Woburn, Massachusetts, with which we are concerned herein. Boston Hide annually purchases raw materials valued in excess of \$100,000, a substantial portion of which is derived from sources located outside the Commonwealth of Massachusetts. The record indicates that, over a period of 6 months, 32 percent of the finished products of Boston Hide was delivered to points outside the Commonwealth of Massachusetts.

Caleb S. Harriman, doing business as C. S. Harriman & Sons, is engaged in tanning hides which are delivered to him under contract. Harriman annually purchases materials for use in the tanning process valued at between 50 to 60 thousand dollars a year, of which approximately 80 percent originates in points outside the Commonwealth of Massachusetts. Ninety to 95 percent of the hides which are sent to Harriman for tanning originates in points outside the Commonwealth of Massachusetts.

Murray Leather Company is engaged in the business of buying hides, tanning them, and selling the finished leather products. Approximately 90 percent of the hides purchased by Murray is derived from sources located outside the Commonwealth of Massachusetts, and approximately 90 percent of the finished products of Murray is shipped to points outside the Commonwealth of Massachusetts.

Boston Hides, Harriman, and Murray each admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

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

International Fur and Leather Workers Union, Local #22, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTIONS CONCERNING REPRESENTATION

Boston Hide, Harriman, and Murray each refuses to recognize any labor organization as the collective bargaining representative of its employees, in the absence of certification by the Board.

Reports of a Field Examiner for the Board, introduced into evidence at the hearings, indicate that the A. F. L. represents a substantial number of employees in each of the units which it proposes as appropriate.<sup>3</sup>

We find that questions affecting commerce have 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 UNITS

Substantially in accordance with the agreements of the parties concerned, 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 Boston Hide, excluding firemen, engineers, maintenance employees, watchmen, office workers, executives, foremen, 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;

2. All production employees of Harriman, excluding firemen, engineers, maintenance employees, watchmen, office workers, executives, foremen, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees; and

3. All production employees of Murray, excluding firemen, engineers, maintenance employees, watchmen, office workers, executives,

<sup>3</sup> The reports of the Field Examiner may be summarized as follows:

<i>Case No.</i>	<i>No. in unit</i>	<i>No. of designations submitted by the A. F. L.</i>
1-R-2115-----	20	17
1-R-2119-----	60	60
1-R-2121-----	75	65

The C. I. O. relies upon its current collective bargaining agreements with Boston Hide, Harriman, and Murray for the establishment of its interest in these proceedings.

foremen, 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.

#### 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 pay-roll 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, a part of the investigation to ascertain representatives for the purposes of collective bargaining with Boston Hide and Leather Company, Woburn, Massachusetts, C. S. Harriman & Sons, North Wilmington, Massachusetts, and Murray Leather Company, Woburn, Massachusetts, three separate elections by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction of Elections, 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 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 they desire to be represented for the purposes of collective bargaining, by United Leather Workers International Union, Local #122, affiliated with the American Federation of Labor, or by International Fur and Leather Workers Union, Local #22, affiliated with the Congress of Industrial Organizations, or by neither.

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