

In the Matter of THE FLEISCHER SHOE COMPANY and UNITED SHOE  
WORKERS OF AMERICA, C. I. O.

*Case No. 1-R-2295.—Decided March 16, 1945*

*Mr. Vernon C. Stoneman*, of Boston, Mass., for the Company.

*Mr. George Fecteau*, of Manchester, N. H., for the Union.

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

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Shoe Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Fleischer Shoe Company, Goffs Falls, New Hampshire, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Samuel G. Zack, Trial Examiner. Said hearing was held at Manchester, New Hampshire, on February 17, 1945. 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

The Fleischer Shoe Company is engaged in the manufacture of women's novelty shoes at Goffs Falls, New Hampshire. Over 40 percent of the raw materials used by the Company is shipped to it from points outside the State of New Hampshire. The Company sells products valued in excess of \$1,500,000 annually, over 90 percent of which is shipped to points outside the State of New Hampshire.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

United Shoe Workers 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 the 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 in the unit hereinafter found to be appropriate.<sup>1</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.

## IV. THE APPROPRIATE UNIT

The Union urges that all production and maintenance employees of the Company, excluding executives and clerical and supervisory employees, constitute a unit appropriate for the purposes of collective bargaining. The Company took no position with respect to the unit. Evidence introduced at the hearing indicates that the employees claimed by the Union constitute a well-defined homogeneous group.

We find that all production and maintenance employees of the Company, excluding 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 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.

<sup>1</sup> The Field Examiner reported that the Union presented 176 application cards. There are approximately 270 employees in the appropriate unit.

The Company employs one high school girl who reports to work every working day between 2:30 and 3:00 p. m. and works along with the other employees until the regular close of the workday. It appears that she works under the same conditions as the other employees. Inasmuch as she is a regular part-time employee, we find that she has sufficient interest in the determination of a collective bargaining agent to entitle her to participate in the election.

#### 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 The Fleischer Shoe Company, Goffs Falls, New Hampshire, an election by secret ballot shall be conducted as early as possible, but not later than sixty (60) 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 or not they desire to be represented by United Shoe Workers of America, C. I. O., for the purposes of collective bargaining.