

In the Matter of ED WHITE JUNIOR SHOE COMPANY, EMPLOYER *and*
UNITED SHOE WORKERS OF AMERICA, C. I. O., PETITIONER

Case No. 32-RC-21.—Decided July 27, 1948

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.*

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The labor organization named below claims to represent employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All production and maintenance employees of the Employer at its Paragould, Arkansas, plant, excluding office and clerical employees and supervisors.

5. The Employer seeks to postpone the election until January 1949 when it alleges that it will have an expanded and more stable complement of employees. There were 167 employees in the unit as of the hearing date with an estimated average efficiency of 60 percent.

*Chairman Herzog and Members Reynolds and Murdock.

78 N. L. R. B., No. 66.

The Employer presently has the space, machinery, and equipment to produce 6,000 pairs of shoes a day which it asserts as its production goal. Although it indicated that the present complement at ultimate efficiency is capable of producing half of this amount, the Employer estimates that 500 employees in the unit will be needed to achieve its production goal. However, any expansion of the present complement of employees is dependent entirely upon business conditions and ability to procure orders which, the Employer admitted, cannot be predicted with any degree of certainty. In view of the speculative character of the anticipated expansion and the fact that there is a substantial and representative working force currently employed in the production of finished products, we shall direct an immediate election.¹

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, 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, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented, for purposes of collective bargaining, by United Shoe Workers of America, C. I. O.

¹ *Matter of Western Electric Company Incorporated*, 76 N. L. R. B. 400; *Matter of International Harvester Company*, 71 N. L. R. B. 680.