In the Matter of ALBANY NOVELTY CORPORATION, EMPLOYER *and* UNITED TEXTILE WORKERS OF AMERICA, AFL, PETITIONER

*Case No. 1-RC-1039.—Decided August 31, 1949*

## DECISION

AND

## DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Sam G. Zack, hearing officer. 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-member panel [Chairman Herzog, and Members Houston and Murdock].

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

1. The Employer is a New York corporation engaged in the business of fastening ribbon bows to, and finishing and folding, greeting cards in its plant in North Bennington, Vermont. The Employer does work exclusively for Polygraphic Company of America, Inc., a Delaware corporation, from which company it receives ribbons and greeting cards and to which company it returns the completed product. The Employer and Polygraphic both occupy a building owned by Polygraphic in North Bennington. This building has 3 wings, 2 of which are rented from Polygraphic and occupied by the Employer; the third wing is occupied by Polygraphic. A common main entrance is used by the 200 employees of the Employer and the 100 employees of Polygraphic.

The officers, directors, and stockholders of these two corporations are substantially identical, three brothers being officers in both corporations. These brothers own 75 percent of the stock of the Employer and 55 to 60 percent of the stock of Polygraphic. Polygraphic annually purchases raw materials valued in excess of $100,000 and its annual sales are likewise valued in excess of $100,000. All of its purchases and sales are made outside the State of Vermont.

Accordingly, we find that the Employer is an integral part of a unitary enterprise which is engaged in commerce and that its activities affect commerce within the meaning of the Act.

2. The labor organizations involved claim to represent certain 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. All production and maintenance employees at the Employer's North Bennington, Vermont, plant, excluding all office employees, foremen, executives, guards, professional employees, and supervisors, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

## 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, 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 they desire to be represented, for purposes of collective bargaining, by United Textile Workers of America, AFL, or by International Brotherhood of Pulp, Sulphite and Paper Mill Workers, AFL, or by neither.