

In the Matter of A. S. KREIDER COMPANY and UNITED SHOE WORKERS
OF AMERICA, C. I. O.

Case No. 4-R-1659.—Decided March 30, 1945

Becker & Ehrgood, by Messrs. Clarence D. Becker and H. Rank Bickel, Jr., of Lebanon, Pa., for the Company.

Mr. W. R. Thrasher, of Atlanta, Ga., and Mr. Victor Ulivitch, of Philadelphia, Pa., 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 A. S. Kreider Company, Lebanon, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. Said hearing was held at Lebanon, Pennsylvania, on February 16, 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

A. S. Kreider Company is a Pennsylvania corporation engaged in the manufacture of children's shoes at Lebanon, Pennsylvania. The Company purchases raw materials valued at about \$100,000, annually, 80 percent of which is shipped to it from points outside the Commonwealth of Pennsylvania. The Company sells products valued in excess

of \$500,000, annually, 80 percent of which is shipped to points outside the Commonwealth of Pennsylvania.

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.¹

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, including the elevator operator, but excluding cutting foreman, stock fitting foreman, bottom and finishing foreman, superintendent, general manager, office manager, production clerks, billing clerk, general office clerk, checking clerk, stenographer, and bookkeeper; constitute an appropriate bargaining unit. The only question with respect to the unit concerns the stock girl, shipping clerks, fireman, and watchmen.

The Company employs three shipping clerks who receive the finished shoes from the finishing department and put them in bins or assemble them in groups for shipping. The shipping clerks pack the finished shoes into shipping cases, address them, and see that they are properly shipped out. The Union urges that they be excluded from the unit, while the Company took no position with respect to them. We find that duties of the shipping clerks are closely aligned with those of the production employees. Accordingly, we shall include the shipping clerks in the unit.

The Company employs three watchmen and one fireman. The watchmen are neither armed, uniformed, nor militarized. They make

¹ The Field Examiner reported that the Union represented 96 authorization cards. There are approximately 186 employees in the appropriate unit.

the rounds of the Company's premises at night and also tend the furnaces. In addition, they perform maintenance work such as sweeping, cleaning and painting. The fireman works only during the day and when not occupied with tending the furnaces performs general maintenance work. The Union urges that the fireman be included in the unit but that the watchmen be excluded. The Company took the position that all four should be treated alike. Inasmuch as the watchmen perform duties normally performed by watchmen rather than those performed by specialized plant protection employees, we find that the watchmen, as well as the fireman, should be included in the unit.

The Company employs one person classified as a stock girl, whom it would include in the unit. She operates a calculating machine in the foreman's office. Her work requires that she circulate throughout the plant for the purpose of gathering production figures so that she can correlate them by means of the calculating machine. It appears that her work is purely clerical in nature. We shall exclude her from the unit.

We find that all production and maintenance employees of the Company, including elevator operator, shipping clerks, watchmen, and the fireman, but excluding the stock girl, production clerks, billing clerk, general office clerk, checking clerk, stenographer, bookkeeper, cutting foremen, stock fitting foreman, bottom and finishing foreman, superintendent, general manager, office manager, and any other 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.

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 A. S. Kreider Company, Lebanon, Pennsylvania, 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 Fourth 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.