

In the Matter of VOLNEY FELT MILLS, INC. and PAPER WORKERS
ORGANIZING COMMITTEE, C. I. O.

Case No. 3-R-1000.—Decided August 20, 1945

Mr. C. E. Dorr, of Syracuse, N. Y., for the Company.

Mr. Frank Grasso, of Cleveland, Ohio, and *Mr. Fred Sanders*, of
Fulton, N. Y., for the C. I. O.

Mr. H. I. Smith, of Buffalo, N. Y., and *Mr. Stephen Gallagher*, of
Oswego, N. Y., for the A. F. L.

Mr. Bruce C. Heath, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Paper Workers Organizing Committee, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Volney Felt Mills, Inc., Fulton, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene von Wellsheim, Trial Examiner. Said hearing was held at Fulton, New York, on June 6, 1945. The Company, the C. I. O., and International Association of Machinists, A. F. L., herein referred to as the A. F. L.,¹ appeared and participated. All parties 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 an 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

Volney Felt Mills, Inc., is a Delaware corporation authorized to do business in the State of New York. In its operations the Company

¹ At the hearing International Association of Machinists, A. F. L., moved to intervene. Said motion was allowed by the Trial Examiner.

manufactures felt and asphalt roofing paper at its plant at Fulton, New York. During the period from June 1, 1944, to June 1, 1945, the Company used raw materials valued in excess of \$600,000, of which 40 percent was shipped to the Company from points outside the State of New York. During the same period the Company manufactured finished products valued in excess of \$1,000,000, of which 80 percent was shipped to points outside the State.

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

II. THE ORGANIZATIONS INVOLVED

Paper Workers Organizing Committee, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

International Association of Machinists, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the C. I. O. as the exclusive bargaining representative of certain of its employees until the C. I. O. has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that the C. I. O. and the A. F. L. each represents a substantial number of employees in the unit hereinafter found appropriate.²

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

We find, in substantial agreement with the parties, that all production and maintenance employees of the Company, including watchmen, working foremen in the rag department, working foremen in the beater room, and machine tenders in the machine room, but excluding the boiler engineer, 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, con-

²The Field Examiner reported that the C. I. O. submitted 65 authorization cards. The cards were dated 5 in April, 55 in May 1945, and 5 were undated. Because of the refusal of the Company the Field Examiner was unable to make a check against the Company's pay roll. There are approximately 100 employees in the alleged appropriate unit.

The AFL submitted 20 authorization cards which were dated May 1945.

stitute 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 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 Volney Felt Mills, Inc., Fulton, New York, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Third 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 they desire to be represented by Paper Workers Organizing Committee affiliated with the Congress of Industrial Organizations, or by International Association of Machinists, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.