

In the Matter of BLOUGH MANUFACTURING COMPANY and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, LOCAL NO. 108, AFL

*Case No. 4-R-1728.—Decided August 21, 1945*

*Metzger and Wickersham* by *Mr. F. Brewster Wickersham*, of Harrisburg, Pa., and *Mr. Henry H. Salzberg*, of New York City, for the Company.

*Mr. Sidney G. Handler*, of Harrisburg, Pa., for the Union.

*Miss Helen Hart*, of counsel to the Board.

## DECISION

AND

## DIRECTION OF ELECTION

### STATEMENT OF THE CASE

Upon a petition duly filed by International Ladies' Garment Workers' Union, Local No. 108, AFL, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Blough Manufacturing Company, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Herman Lazarus, Trial Examiner. Said hearing was held at Harrisburg, Pennsylvania, on May 23, 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 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

Blough Manufacturing Company, a Pennsylvania corporation, with its principal place of business in Harrisburg, Pennsylvania, is engaged in the manufacture and sale of play suits, sleepers, and overalls for children. The Company operates plants in Harrisburg, Mount Holly

Springs, New Oxford, and Millerstown, all of which are in the Commonwealth of Pennsylvania. During 1944, the Company purchased materials valued in excess of \$750,000, 90 percent of which was shipped to the Company's plants from points outside the Commonwealth of Pennsylvania. During the same year, the Company sold finished products valued in excess of \$1,000,000, 90 percent of which was transported 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

International Ladies' Garment Workers' Union, Local No. 108, 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 Union as the exclusive bargaining representative of certain of its employees.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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 contends that the following unit is appropriate: all production and maintenance employees of the Company's Harrisburg plant, including all stockroom employees, all employees in the shipping department, warehousemen, firemen, watchmen, general laborers, and janitors, but excluding all clerical and office employees, foremen, executives, and all other supervisory employees. The Company agrees with the Union's definition of the unit as it relates to specific composition, but maintains that only a unit consisting of employees of all four of the Company's plants is appropriate.

As stated above, the Company's main plant is located at Harrisburg and the branch plants are situated in Mount Holly Springs, Millers-town, and New Oxford, about 16, 35, and 40 miles, respectively, from Harrisburg. The Harrisburg plant is functionally a self-sufficient unit, performing the operations of cutting, sewing, finishing, packing, and shipping the finished garments. The three branch plants are,

<sup>1</sup> The Field Examiner reported that the Union submitted 67 authorization cards; that the names of 60 persons appearing on the cards were listed on the Company's pay roll of May 2, 1945, which contained the names of 161 employees in the alleged appropriate unit.

engaged in sewing operations only. The sewing at the branch plants is essentially the same as that carried on at the Harrisburg plant, although the branch plants usually work only on certain types of fabrics in order to maintain greater efficiency among the operators. Approximately 40 to 50 percent of the garments sold are sewn at the Harrisburg plant.

Each of the branch plants has its own foreman who is responsible for the hiring and discharge of employees, subject to occasional supervision from the Harrisburg office. General personnel policies are established by the Harrisburg office. The branch plants do not have their own offices and all records are kept at Harrisburg with the exception of current piece-work records. Pay rolls are prepared at Harrisburg for all the Company's plants but separate pay rolls are maintained for each plant. There is little if any interchange of employees among the various plants on a permanent basis. All non-supervisory employees of the branch plants and of the sewing department of the Harrisburg plant are paid on a piece-work basis and the rate is the same at all plants; however, the minimum rate of pay is 5 cents less per hour at the branch plants.

The Company has no collective bargaining history. In 1932-33 and 1936-37, the Union attempted to organize employees of the Harrisburg plant only, but it was not successful. In 1941 and 1942, the International with which the Union is affiliated attempted unsuccessfully to organize all of the Company's plants. Only employees of the Harrisburg plant, to date, have shown an interest in self-organization.

While the functional interdependence of the Company's plants would indicate the ultimate propriety of a four-plant unit, the previous attempts by the International to organize all the Company's plants have proved unsuccessful. Since the Harrisburg plant only has shown an interest in collective bargaining, we are of the opinion that a unit confined to the employees of this plant is appropriate at this time.<sup>2</sup> However, our finding that a unit confined to the Harrisburg plant is appropriate will not preclude a later finding that a more inclusive unit is appropriate when organization has been extended to the branch plants of the Company.

We find that all production and maintenance employees of the Company's Harrisburg plant, including all stockroom employees, all employees in the shipping department, warehousemen, firemen, watchmen, general laborers and janitors, but excluding all clerical and office employees, foremen, executives, 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, constitute a unit appropriate for the purposes

<sup>2</sup> See *Matter of Newnan Cotton Mills*, 58 N. L. R. B. 637.

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,<sup>3</sup> 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 Blough Manufacturing Company, Harrisburg, Pennsylvania, 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 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 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, to determine whether or not they desire to be represented by International Ladies' Garment Workers' Union, Local No. 108, affiliated with the American Federation of Labor, for the purpose of collective bargaining.

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

<sup>3</sup> The Union requested that the eligibility date be established as the last pay-roll date prior to March 16, 1945 because of the discharge of 17 employees on the latter date. Since the discharges apparently occurred in the regular course of business, we see no reason to depart from our customary practice in this regard.