

In the Matter of THE McLAUGHLIN MANUFACTURING COMPANY, d/b/a
WINCHESTER KNITTING MILLS and THE UNITED CONSTRUCTION
WORKERS, AFFILIATED WITH UMWA

Case No. 5-R-2073.—Decided January 5, 1946

Mr. Lacy I. Rice, of Martinsburg, W. Va., for the Company.

Mr. Robert E. Smedley, of Martinsburg, W. Va., for the UCW.

Mr. Irwin J. Jaffee, of Baltimore, Md., for the ILGWU.

Mr. Herbert C. Kane, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by The United Construction Workers, affiliated with UMWA, herein called the UCW, alleging that a question affecting commerce had arisen concerning the representation of employees of The McLaughlin Manufacturing Company, d/b/a Winchester Knitting Mills, Winchester, Virginia, herein called the Company,¹ the National Labor Relations Board provided for an appropriate hearing upon due notice before Joseph B. Robison, Trial Examiner. The hearing was held at Winchester, Virginia, on October 22, 1945. The Company, the UCW, and the International Ladies Garment Workers Union, AFL, herein called the ILGWU,² 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 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

The McLaughlin Manufacturing Company, Incorporated, an Indiana corporation, is engaged in the manufacture of knitted garments,

¹ The petition and other formal papers were amended at the hearing to show the correct name of the Company.

² At the hearing the Trial Examiner granted the motion of the ILGWU to intervene.

including blouses, pajamas, underwear, and slips. We are here concerned only with its operations at Winchester, Virginia, where it owns and operates a mill and does business under the name of Winchester Knitting Mills. During the past 12 months, the Company sold goods manufactured at its Winchester plant having a value in excess of \$150,000, of which approximately 95 percent was sold outside the Commonwealth of Virginia. During the same period the Company purchased for its Winchester plant in excess of \$100,000 worth of cotton yarn and other materials of which approximately 95 percent came from points outside the Commonwealth.

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

II. THE ORGANIZATIONS INVOLVED

United Construction Workers is a labor organization affiliated with the United Mine Workers of America, admitting to membership employees of the Company.

International Ladies Garment Workers Union is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

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

A statement of a Board agent, introduced into evidence at the hearing, indicates that the UCW represents a substantial number of employees in the unit hereinafter found appropriate.³

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 accordance with the stipulation of the parties, that all production and maintenance employees of the Company, including the night watchman, and employees in the shipping, cutting, boxing, knitting, and sewing departments, but excluding office clerical em-

³ The Field Examiner reported that the UCW submitted 41 membership and authorization cards, and that there were 69 employees in the alleged appropriate unit.

The Trial Examiner reported that the ILGWU submitted 28 application for membership cards of its co-affiliate, United Textile Workers of America, AFL, and that all the cards bear apparently genuine signatures of employees whose names appear on a company pay roll dated October 17, 1945. Neither the Company nor the UCW contended that the ILGWU is not entitled to a place on the ballot on the basis of this showing.

ployees, the manager, the plant superintendent, heads of the shipping, cutting, boxing, knitting, and sewing departments, and all or 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 an election by secret ballot among 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 The McLaughlin Manufacturing Company, d/b/a Winchester Knitting Mills, Winchester, Virginia, 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 Fifth 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 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 they desire to be represented by The United Construction Workers, affiliated with UMWA, or by International Ladies Garment Workers Union, AFL, 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.