

**Puritan Caribbean, Inc. and International Ladies' Garment Workers' Union, AFL-CIO, Petitioner.**  
Case 24-RC-3561

January 28, 1970

**DECISION ON REVIEW AND  
DIRECTION OF ELECTION**

**BY CHAIRMAN McCULLOCH AND MEMBERS  
FANNING AND BROWN**

On December 13, 1968, the Regional Director for Region 24 issued his Decision and Order in the above-entitled proceeding, in which he dismissed a petition for a unit of production and maintenance employees at the Employer's Cidra, Puerto Rico plant, finding that the Employer and Puritana Manufacturing Corporation<sup>1</sup> constitute a single employer and that the requested unit, which excludes the latter's production and maintenance employees at Aguas Buenas, Puerto Rico, is inappropriate. Thereafter, the Petitioner filed a timely request for review of the Regional Director's Decision on the grounds that his unit finding was contrary to precedent. The Employer filed a statement in opposition. By telegraphic Order dated April 11, 1969, the National Labor Relations Board granted review.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the Board has delegated its powers in connection with this case to a three-member panel.

The Board has considered the entire record with respect to the issues under review, and makes the following findings:

The Petitioner contends that the record facts support a finding that the Cidra employees it seeks to represent constitute an appropriate single plant unit. We agree.

Puritana, a wholly-owned subsidiary of Puritan Sportswear Corporation,<sup>2</sup> began operations in Aguas Buenas in 1962, with the acquisition of the equipment and buildings of Superior Knitting Corporation, Alto Manufacturing Corporation, and Insular Dye Works, Inc., which respectively performed knitting, looping and finishing, and dyeing operations in the manufacture of full-fashioned sweaters. Puritana combined these operations in one building at Aguas Buenas, utilizing approximately 400 employees.

Some time before January 1, 1968, Puritan Sportswear foresaw the necessity of expanding Puritana knitting operations. Being unable to build on Puritana's existing Aguas Buenas property because of a power company easement which would not be voided, it decided to build a facility to house the Puritana knitting operations at Cidra, about 7

miles distant. The Employer was incorporated, primarily for tax purposes, as a wholly owned subsidiary of Puritan Sportswear, to operate the new facility at Cidra. On or about January 1, 1968, Puritana's knitting department and its personnel relocated at the new Cidra plant. At about the same time, Puritan Sportswear closed down another knitting operation, Mayor Mills, and relocated some of its equipment and personnel at the Cidra plant. Raymond Knichel, the knitting department manager prior to the relocation, continues to head the department at Cidra. The operations at both locations remain under general manager Inzy Grace. There is no history of collective bargaining for employees at either location.

The operation of the knitting department at Cidra remains, as it was prior to the relocation, integrated with the finishing operations performed at the Aguas Buenas plant. Thus, virtually all of the components knitted at Cidra are trucked to Aguas Buenas for further processing into the finished garments. General Manager Grace maintains a private office at Cidra where he spends 1 to 3 hours every day consulting with Knichel and others with respect to operations of the department. Also, Knichel and the man in charge of sample making and quality control first report to the Aguas Buenas plant each day for consultations with personnel there located on matters within their respective responsibilities. Further, a central office at Aguas Buenas performs administrative functions for both companies, i.e., personnel, purchasing, engineering, payroll, etc.; and the maintenance department at Aguas Buenas is responsible for the electrical systems, air-conditioning and general upkeep at both plants.<sup>3</sup>

The Cidra plant has a complement of about 230 employees, nearly double the complement of the knitting department when it was located at Aguas Buenas, and the Aguas Buenas plant now has a complement of about 325 employees. A substantial number of the Cidra plant employees commute from their homes in Aguas Buenas. Employees of both plants share a number of benefits in common: i.e., they have the same insurance, health, vacation, and holiday programs; accumulate seniority on a 2-plant basis to determine eligibility for these benefits; and participate in employee purchase sales which are conducted at either plant. Company-sponsored social functions are attended by employees of both plants. There is a single newspaper and a single credit union for employees of both companies.

The foregoing facts indicate that the employees of both the Employer and Puritana share a community of interest and could appropriately be combined in one unit for bargaining purposes. However, there

<sup>3</sup>However, the receptionist at the Cidra plant collects and checks piecework tickets and the other payroll data for transmittal to the central office. Also, Cidra has its own janitor and a machinist in its machine shop who makes parts for both plants. The maintenance superintendent visits the Cidra plant daily, spending as much time there as necessary.

<sup>1</sup>Herein referred to as Puritana.

<sup>2</sup>Herein referred to as Puritan Sportswear

are a number of facts which indicate that the requested employees at Cidra may also be appropriate as a single-plant unit.

First, the transfer of the knitting operation to a geographically separate situs at Cidra and the creation of the Employer as a separate corporate entity to conduct that operation militate in favor of finding that the requested unit of Cidra's production and maintenance employees is appropriate. In addition, despite the integration of the operations involved, there are now, as there were before the relocation, a number of facts which distinguish the interests of knitting employees from those of employees engaged in the finishing operations.

Thus, the classifications and skills of employees in each operation are widely diverse, and there is no interchange between the two groups of production employees. The Employer utilizes production employees classified as machine fixers, full-fashioned knitting operators, flat knitting operators, toppers, separators, and menders. Puritana has looping machine operators, dye-house employees, wet processing employees, assemblers, finishers, and menders, the last being the only production classification common to both plants. The training period for the Employer's production employees ranges from a minimum of 6 months for separators to a period of up to 15 years for fully qualified fixers. On the other hand, at Puritana about 90 percent of the production employees are looping machine operators who require less than 6 months to become proficient. The Cidra plant operates on a 6-day week, 3-shift basis, and about 70 percent of the employees rotate shifts weekly. In contrast, the Puritana plant operates on a 5-day week, 1-shift basis.

Although, as indicated, General Manager Grace has overall authority over both plants, Knitting Manager Knichel exercises day-to-day authority over the Cidra employees and the Employer's production foremen report to him. Moreover, contrary to the Employer's contention in its brief, the record demonstrates that Knichel has and exercises the power effectively to recommend to Grace the hire and discharge of employees. Although applicants for employment are initially interviewed and fill out forms at the personnel office in Aguas Buenas, those being considered for openings at Cidra are personally interviewed by Knichel and/or one of his line supervisors, and on the basis of those interviews recommendations are made to the general manager (Grace) who usually adopts them.<sup>4</sup> Likewise, with respect to discharges, Knichel's line supervisors have sent employees home and Knichel's recommendations for discharge have

been made to Grace. Knichel could not recall any instances in which his recommendations were rejected. Knichel also testified that his recommendations as to promotions and individual pay increases are usually adopted.

Upon the foregoing, we conclude that the production and maintenance employees of the Employer at Cidra enjoy a substantial community of interest apart from production and maintenance employees of Puritana at Aguas Buenas, sufficient to support a finding that they constitute an appropriate unit. In so concluding, we rely on the facts that the Employer and Puritana are separate corporate entities; that the Cidra plant is geographically separate from the related Aguas Buenas plant; that the Cidra plant is engaged in a distinct kind of production, that there is virtually no interchange of production employees between the two plants; that the knitting manager at Cidra exercises a substantial degree of authority over the day-to-day operations of the plant; that there is no history of collective bargaining for any of the employees involved; and that no labor organization is seeking to represent employees on a broader basis.<sup>5</sup>

Accordingly, we find that the following employees of the Employer at Cidra, Puerto Rico, constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All production and maintenance employees, including machine fixers<sup>6</sup> and the production clerk, but excluding the receptionist and all other office clerical employees, guards, and supervisors, as defined in the Act.

[Direction of Election<sup>7</sup> omitted from publication.]

<sup>4</sup>See *Dixie Belle Mills, Inc.*, a wholly-owned subsidiary of *Bell Industries, Inc.*, 139 NLRB 629; *Gordon Mills, Inc.*, 145 NLRB 771; *The Black & Decker Manufacturing Company*, 147 NLRB 825, *Waumbec Dyeing and Finishing Co.*, 101 NLRB 1069 *Catalina Inc.*, 120 NLRB 412, and other cases cited by the Regional Director in support of his finding are, in our opinion, clearly distinguishable on their facts.

<sup>5</sup>The parties agreed to exclude machine fixers who were on the confidential payroll. An issue was raised as to the supervisory status of three knitting leadmen. As the record is insufficient to enable us to resolve this issue, we shall make no disposition as to their unit placement at this time, but shall permit them to vote under challenge.

<sup>7</sup>In order to assure that all eligible voters may have the opportunity to be informed as to the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear Inc.*, 156 NLRB 1236; *N.L.R.B. v. Wyman-Gordon Company*, 394 U.S. 759. Accordingly, it is hereby directed that an election eligibility list, containing the names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 24 within 7 days of the date of this Decision on Review and Direction of Election. The Regional Director shall make the list available to all parties to the election. No extension of time to file this list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

<sup>6</sup>The record indicates that Knichel, unlike Grace, is fluent in Spanish.