

In the Matter of LENOX SHOE COMPANY, INC. and UNITED SHOE WORKERS OF AMERICA, AFFILIATED WITH THE COMMITTEE FOR INDUSTRIAL ORGANIZATION

*Cases Nos. C-255 and R-209*

SUPPLEMENTAL DIRECTION OF ELECTION

*February 5, 1938*

On December 3, 1937, the National Labor Relations Board, herein called the Board, issued its Decision, Direction of Election, and Order<sup>1</sup> in the above-entitled proceedings. The Direction of Election provided that an election be held at such time as the Board would thereafter direct. In its Decision the Board stated that the election would be "delayed until such time as the Board is satisfied that there has been sufficient compliance with its order to dissipate the effects of the unfair labor practices of the respondent and to permit an election uninfluenced by the respondent's conduct."

The Board, having been informed by the Regional Director for the First Region that Lenox Shoe Company, Inc., herein called the respondent, has substantially complied with its Decision and Order and that both the United Shoe Workers of America and the Boot and Shoe Workers' Union have requested that such election be held, hereby directs that the election provided for in its Decision, Direction of Election, and Order of December 3, 1937, be held within twenty (20) days of the date of this Supplemental Direction of Election.

[SAME TITLE]

AMENDMENT TO DIRECTION OF ELECTION

*February 10, 1938*

The National Labor Relations Board hereby amends its Direction of Election in the above-entitled proceedings issued on December 3, 1937, by striking therefrom the words, "on the pay roll of said Company next preceding June 29, 1936," and substituting therefor the words, "on the pay roll of said Company next preceding June 29, 1937."

<sup>1</sup> 4 N. L. R. B. 372.

[SAME TITLE]

## CERTIFICATION OF REPRESENTATIVES

*March 9, 1938*

On June 16, 1937, United Shoe Workers of America, herein called the U. S. W., filed with the Regional Director for the First Region (Boston, Massachusetts) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Lenox Shoe Company, Inc., Freeport, Maine, herein called the Company, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. Thereafter, the National Labor Relations Board, herein called the Board, acting pursuant to Article II, Section 37 (b), of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered that the case be consolidated with another case which had been commenced on July 12, 1937, by a charge filed by the U. S. W. with the Regional Director alleging certain unfair labor practices on the part of the Company.<sup>1</sup>

Pursuant to notice duly served upon the Company a joint hearing in the two proceedings was held in Freeport, Maine, on July 26, 27, and 28, 1937, before Irving G. McCann, the Trial Examiner duly designated by the Board. At the beginning of the hearing, the Trial Examiner granted the petition of Boot and Shoe Workers' Union, a labor organization claiming to represent employees of the Company, herein called the B. & S. W. U., to intervene. The Board, the Company, the U. S. W., and the B. & S. W. U. were represented by counsel. On December 3, 1937, the Board issued a Decision and Direction of Election in the two cases. The Direction of Election provided that an election by secret ballot be conducted among the production employees of the Company at its Freeport, Maine, plant, whose names appeared on the pay roll next preceding June 29, 1936, exclusive of foremen and supervisory employees and those who had obtained regular and substantially equivalent employment elsewhere, to determine whether they desired to be represented by the U. S. W. or by the B. & S. W. U. for the purposes of collective bargaining, or by neither. The Direction of Election further provided that the election should be held at such time as the Board should thereafter direct. On February 5, 1938, the Board issued a Supplemental Direction of Election directing an election within 20 days. On February 10, 1938, the Board issued an Amendment to Direction of Election correcting the pay-roll eligibility date specified from June 29, 1936 to June 29, 1937.

<sup>1</sup> Case No. C-255.

Pursuant to the Direction of Election, as supplemented and amended, an election by secret ballot was conducted on February 17, 1938. Full opportunity was accorded to all the parties to this investigation to participate in the conduct of the election and to make challenges. On February 18, 1938, the Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued and duly served upon the parties to the proceeding his Intermediate Report on the ballot. No exceptions to that Intermediate Report have been filed by any of the parties.

As to the balloting and the results, the Regional Director reported as follows:

Number of employees on voting list <sup>2</sup> .....	830
Total number of ballots cast.....	415
Total number of ballots cast for B. & S. W. U.....	246
Total number of ballots cast for U. S. W.....	153
Total number of ballots cast for neither organization.....	14
Total number of blank ballots.....	0
Total number of void ballots.....	2

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 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Boot and Shoe Workers' Union has been designated and selected by a majority of the production employees of Lenox Shoe Company, Inc., at its Freeport, Maine, plant, exclusive of foremen and supervisory employees, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the National Labor Relations Act, Boot and Shoe Workers' Union is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

<sup>2</sup>The list included the names of an undetermined number of persons who had obtained regular and substantially equivalent employment elsewhere and who were therefore ruled ineligible to vote as employees. The exact number of eligible voters was not determined.