

In the Matter of GENERAL CIGAR COMPANY, INC. and UNITED CIGAR WORKERS OF AMERICA, LOCAL NO. 1

In the Matter of ESSEX CIGAR COMPANY and UNITED CIGAR WORKERS OF AMERICA, LOCAL NO. 1

In the Matter of SCHWARTZ-BERNARD CIGAR COMPANY and UNITED CIGAR WORKERS OF AMERICA, LOCAL NO. 1

In the Matter of TEGGE-JACKSON CIGAR COMPANY and UNITED CIGAR WORKERS OF AMERICA, LOCAL NO. 1

In the Matter of WEBSTER CIGAR COMPANY and UNITED CIGAR WORKERS OF AMERICA, LOCAL NO. 24

Cases Nos. R-430 to R-434, inclusive.—Decided March 18, 1938

Cigar Manufacturing Industry—Investigation of Representatives: controversy concerning representation of employees: substantial doubt as to majority status; refusal by employer to recognize petitioning union as exclusive representative; petition filed by independent union which prior to hearing received charter from national organization and changed name—*Unit Appropriate for Collective Bargaining:* production employees; no controversy as to; stipulation in one case that janitor also be included—*Election Ordered:* employees on pay roll for period next preceding hearing eligible to vote in spite of alleged prior agreement by company to election as of earlier pay-roll date, and of alleged discrimination against Union members; pay-roll period next preceding filing of petition too remote, no provision on ballot for a competing labor organization which has become inactive, or for non-existent employee committee or other agency.

Mr. Charles F. McErlean, for the Board.

Berry & Stevens, by *Mr. Ralph W. Barbier* of Detroit, Mich., for Essex.

Butzel, Levin & Winston, by *Mr. Harry L. Winston*, of Detroit, Mich., for General and Webster.

Butzel, Eaman, Long, Gust & Bills, by *Mr. Victor W. Klein*, of Detroit, Mich., for Schwartz.

Mr. Seymour J. Frank of Detroit, Mich., for Tegge.

Mr. Samuel B. Keene of Detroit, Mich., for Local No. 24.

Mr. George Turitz, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

On April 15, 1937, United Cigar Workers Local Industrial Union No. 24, herein called Local No. 24,¹ filed with the Regional Director for the Seventh Region (Detroit, Michigan) four separate petitions, each alleging that a question affecting commerce had arisen concerning the representation of employees of the company named in the petition, 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. The companies named in the four petitions are, respectively, General Cigar Co., Inc., herein called General;² Essex Cigar Company, herein called Essex; Bernard Schwartz Cigar Corporation, herein called Schwartz;³ and Tegge-Jackman Cigar Company, herein called Tegge.⁴ On July 28, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act, and Article III, Section 3, and Section 10 (c) (2), of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered an investigation and authorized the Regional Director to conduct it and to provide for an appropriate hearing upon due notice, and further ordered that, for purposes of hearing, the cases be consolidated and that one record of the hearing be made.

On October 27, 1937, Local No. 24⁵ filed with the Regional Director a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Webster Cigar Company, herein called Webster, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the Act. On November 8, 1937, the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, of said Rules and Regulations, ordered an investigation and authorized the Regional Director to

¹ At the time of the filing of the four petitions Local No. 24 was known as United Cigar Workers of America, Local No. 1, and the four petitions were filed under that name. As used herein Local No. 24 refers to the Union under the name United Cigar Workers of America, Local No. 1, as well as under its present name.

² General was incorrectly designated in the petition and in the order directing the investigation and hearing as General Cigar Company, Inc

³ Schwartz was incorrectly designated in the petition and in the order directing the investigation and hearing as Schwartz-Bernard Cigar Company. The petition and all other papers in the proceeding were amended at the hearing so as to designate this company by the name Bernard Schwartz Cigar Corporation

⁴ Tegge was incorrectly designated in the order directing the investigation and hearing as Tegge-Jackson Cigar Company.

⁵ Local No. 24 was incorrectly designated in this petition as United Cigar Workers of America, Local No. 24

conduct it and to provide for an appropriate hearing upon due notice. On November 9, 1937, the Board, acting pursuant to Article III, Section 10 (c) (2), of said Rules and Regulations, ordered that all five of the above-entitled cases be consolidated for the purposes of hearing, and that one record of the hearing be made.

On November 12, 1937, the Regional Director issued a notice of hearing, copies of which were duly served upon each of the companies, upon Local No. 24, and upon Wolverine Labor Organization, a labor organization claiming to represent employees of Schwartz directly affected by the investigation. Pursuant to the notice, a hearing was held on November 18, 19, 20, 22, 23, 24, and 26, 1937, before David F. Smith, the Trial Examiner duly designated by the Board. Counsel for all the appearing parties and for the Board agreed, and the Trial Examiner directed, that each case be heard separately, that the record be separable as for each case, and that evidence introduced in one case would not apply to any other case. The Board, each company, and Local No. 24 were represented by counsel and participated in the hearing, each company participating only in the portion of the hearing which affected it. Wolverine Labor Organization did not appear at the hearing or participate in this proceeding in any way. Full opportunity to be heard, to examine and to cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. At the hearing counsel for the Board moved that the petitions relating to General, Essex, Schwartz, and Tegge, and all the other papers in those proceedings, be amended to change the name of the petitioning union from United Cigar Workers of America, Local No. 1, to United Cigar Workers of America, Local No. 24. The Trial Examiner granted the motions. Since the record shows that the correct name of the petitioning union is United Cigar Workers Local Industrial Union No. 24,⁶ the petitions and the other papers in the proceedings are amended accordingly. Counsel for Schwartz and for Tegge objected to any participation in the proceedings by counsel for Local No. 24 on the ground that it was not the petitioning union. The objections were overruled by the Trial Examiner. The rulings are hereby affirmed. During the course of the hearing the Trial Examiner made several other rulings on motions and applications and on objections to the admission of evidence. The Board has reviewed the rulings of the Trial Examiner and finds that no prejudicial errors were committed. The rulings are hereby affirmed.

Tegge, General, and Webster made written applications to the Board for certain subpoenas, said applications being dated, respectively, November 19, 22, and 23, 1937. The application of Tegge and of Webster have heretofore been denied by the Board, by orders

⁶ See Section II, *infra*

dated, respectively, November 27 and December 1, 1937. The application of General is hereby denied. The record indicates that Schwartz made such an application to the Board orally at the hearing. The application of Schwartz is hereby denied. After the close of the hearing General filed a motion to dismiss the petition. The motion is hereby denied.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANIES

General Cigar Co., Inc., is a New York corporation, having its central office in New York City. It is engaged in the business of the manufacture of cigars. It has twelve factories located in four different States of the United States, and has several warehouses located in various States. We are here concerned only with the factory located in Detroit, Michigan. The principal materials used in the Detroit factory are tobacco, boxes, labels, bands, and cellophane wrapping. During the year 1937 the company used an average of about \$23,900 worth of such materials per month, more than 91 per cent of which were obtained from sources outside the State of Michigan. The Detroit factory produces an average of about \$50,000 worth of cigars a month, approximately 85 per cent of which are shipped outside the State of Michigan. On November 19, 1937, General employed 361 persons in its Detroit factory, exclusive of clerical and supervisory help.

Essex Cigar Company is a Michigan corporation, having its only place of business in Detroit, Michigan. It is engaged in the business of the manufacture of cigars, and operates a factory for that purpose in Detroit. The principal materials used by the company in the manufacture of its products are tobacco, boxes, cans, bands, and cellophane. When the factory is in operation, the company uses about \$9,350 worth of such materials during an average month, approximately 86 per cent of which are obtained from sources outside the State of Michigan. The company produces about \$20,000 worth of cigars in an average month, approximately 99 per cent of which are distributed outside the State of Michigan. On November 18, 1937, Essex employed about 115 persons in its factory, exclusive of clerical and supervisory employees.

Bernard Schwartz Cigar Corporation is a Delaware corporation, having its principal place of business in Detroit, Michigan. Fifty-one per cent of its common stock is owned by Deisel-Wemmer-Gilbert Corporation, an Ohio corporation which has seven cigar factories located in that State. Schwartz is engaged in the business of the manufacture of cigars, and it operates a factory for that purpose in

Detroit. The principal materials used by it in the manufacture of its products are tobacco, boxes, labels, bands, and cellophane wrapping. During the year 1937 the company used an average of about \$46,000 worth of such materials per month, more than 89 per cent of which were obtained from sources outside the State of Michigan. The company produces an average of about \$85,000 worth of cigars a month, approximately 18 to 19 per cent of which are shipped outside of the State of Michigan. On November 9, 1937, Schwartz employed 416 persons in its factory, excluding foremen, office help, and salesmen.

Tegge-Jackman Cigar Company is a Michigan corporation, having its principal place of business in Detroit, Michigan. It is engaged in the business of the manufacture of cigars, and it operates a factory for that purpose in Detroit. The principal materials used by it in the manufacture of its products are tobacco, boxes, cans, labels, bands, and cellophane wrapping. The company uses on the average about \$18,000 worth of such materials per month, more than 90 per cent of which are obtained from sources outside the State of Michigan. The company produces on the average about \$65,000 worth of cigars per month, approximately 20 per cent of which are shipped outside the State of Michigan. On November 19, 1937, Tegge employed 242 persons in its factory who were engaged in production, exclusive of foremen.

Webster Cigar Company is a Michigan corporation. It is engaged in the business of the manufacture of cigars and operates a factory for that purpose in Detroit, Michigan. It is a subsidiary of Webster-Eisenlohr, Inc., a Pennsylvania corporation having its central office in New York City. Webster-Eisenlohr, Inc. have several other subsidiaries, all of which have the same person as president as have Webster and Webster-Eisenlohr, Inc. The principal materials used by Webster in the manufacture of its products are tobacco, boxes, labels, bands, and cellophane wrapping. From November 1, 1936, to November 1, 1937, the company used an average of about \$43,700 worth of such materials per month, approximately 90 per cent of which were obtained from sources located outside the State of Michigan. The company produces an average of about \$100,000 worth of cigars a month. They are distributed both within and outside of the State of Michigan. At the hearing the company conceded that it is engaged in and operates in interstate commerce. On November 13, 1937, Webster employed 349 persons in its factory, exclusive of foremen and supervisory personnel.

II. THE ORGANIZATIONS INVOLVED

United Cigar Workers Local Industrial Union No. 24 is a labor organization chartered by the Committee for Industrial Organiza-

tion, herein called the C. I. O. It admits to its membership all employees of the five companies here involved within the several bargaining units herein found to be appropriate. The members of Local No. 24 were first organized in February 1937, immediately following the shutting down of the factories of the five companies because of labor disputes. At that time a large group of employees in each of the factories joined the International Cigar Makers Union, affiliated with the American Federation of Labor, and were organized into Local 155 of that union, herein called Local No. 155. On or about March 12, 1937, the members of Local No. 155 decided to give up their membership in the International Cigar Makers Union and to become affiliated with the C. I. O. They constituted themselves into an independent union, known as United Cigar Workers of America, Local No. 1, and substantially all the members of Local No. 155 became members of that union. On or about May 12, 1937, the independent union was granted a charter by the C. I. O. and the union was given its present name, United Cigar Workers Local Industrial Union No. 24. After the charter was received, new membership cards were signed by all members, and some change was made among the officers. However, the membership of Local No. 24 is substantially identical with that of the independent union, and it is clear that the two organizations are one and the same.

Wolverine Labor Organization appears at one time to have represented some employees of Schwartz. At the time of the hearing, however, it had ceased to be active, and the company's representative testified that the president of that organization had told him she did not intend to go to the hearing.

III. THE QUESTION CONCERNING REPRESENTATION

Prior to the filing of the petitions relating to General, Essex, and Schwartz, those companies, respectively, refused to recognize Local No. 24 as the bargaining representative of their employees. The record indicates that the reason given in each instance was the absence of proof that Local No. 24 represented a majority of the employees.

On April 22, 1937, Governor Murphy of Michigan called a conference of the representatives of Local No. 24 and of several Detroit cigar manufacturers, including the five companies involved in these proceedings. Of the five companies, only Webster was operating at the time, the others still being closed because of the labor disputes referred to above. At the conference Tegge, Essex, and Schwartz each signed an identical letter, dated that day and addressed to the Governor, wherein they agreed to resume operations in their respective factories. In the letter each company also agreed to cooperate with its employees to effect the prompt institution of appropriate

proceedings under the National Labor Relations Act for the determination by secret election of proper representatives of the employees for the purposes of collective bargaining.

When the April 22nd conference took place, Webster was in the midst of negotiations with Local No. 24. In a letter submitted at the conference, Webster stated that it was already engaged in negotiations with representatives of its employees, and that such representatives had agreed promptly to proceed to establish their authority to represent the employees by proceedings under the Act or by other means, in the event any question should arise concerning their authority. Immediately after delivering the letter, the company, because of a disagreement which arose with Local No. 24, demanded that an election be held.

At the April 22nd conference General refused to sign a letter in a form acceptable to the Governor acceding to his request that an arrangement be made by consent of the parties whereby the collective bargaining agency of the employees could be determined. At a conference held on April 24, 1937, with Local No. 24 and a committee of its employees, General refused to recognize Local No. 24 as the representative of its employees and suggested that the union proceed with the petition for certification which it had theretofore filed with the Board in this proceeding.

Essex and Schwartz resumed operations at about the end of April, Tegge on May 5, and General on July 7, 1937.

In the middle of May 1937 Local No. 24 submitted to each of the companies⁷ a proposed stipulation providing for an election to be conducted by the Board to determine whether or not the employees of such company desired to be represented by Local No. 24. The companies and Local No. 24 were, however, unable to agree upon the terms of consent elections.

Local No. 24 contended at the hearing that a majority of the employees of each of the companies were members of Local No. 24.

We find that a question has arisen concerning representation of employees of each of the companies.

IV. THE EFFECT OF THE QUESTION CONCERNING REPRESENTATION UPON COMMERCE

We find as to each of the companies in these proceedings that the question concerning representation which has arisen, occurring in connection with its operations described in Section I above, has a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tends to lead, and/or has led, to

⁷ The record is not clear as to the time such a stipulation was submitted to Essex, except that it was submitted prior to June 3, 1937

labor disputes burdening and obstructing commerce and the free flow of commerce.

V. THE APPROPRIATE UNIT

A. *General*.—In its petition Local No. 24 alleges that the “production workers” of General, “exclusive of foremen, superintendents, and clerical help” constitute an appropriate unit. It appears from statements made at the hearing by counsel for Local No. 24 that Local No. 24 intended to include within such description of the unit employees of the following classifications, which are listed in Board’s Exhibit No. 7 introduced in evidence at the hearing: Inspectors, stockboys, can fillers, and runners, in the cigar department; patch-work inspectors, defect sorters, box examiners, tray examiners, and floor help, in the packing department; binder weighers and wrapping weighers, in the stripping department; pickers, pre-conditioners, blockers, spreaders, and scaleboys, in the drying department; conditioners in the casing department; Sumatra casing employees, wrapper layers, binder layers, feeders, examiners, packers, banders, patchers, strippers, shipping floor help, holiday wrapping department employees, elevator employees, stem balers, and cutting packers. The term “production workers”, as applied to General, shall be construed herein to include employees of the classifications above-specified. No claim was made at the hearing that the unit described in the petition is not appropriate.

We find that all the production workers of General, at its Detroit factory, excluding foremen, superintendents, and clerical help, constitute a unit appropriate for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and that said unit will insure to employees of the company the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.

B. *Essex*.—In its petition Local No. 24 alleges that the “production workers” of Essex “exclusive of foremen, superintendents and clerical help” constitute an appropriate unit. At the hearing it was stated that the company and Local No. 24 agreed that all employees in the factory excluding foremen, supervisors, clerical help, and janitors, form an appropriate unit.

We find that all the employees of Essex in its factory, excluding foremen, superintendents, supervisors, clerical help, and janitors, constitute a unit appropriate for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and that said unit will insure to employees of the company the full benefit of their right to self-

organization and to collective bargaining and otherwise effectuate the policies of the Act.

C. *Schwartz*.—In its petition Local No. 24 alleges that the “production workers” of Schwartz “exclusive of foremen, superintendents, and clerical help” constitute an appropriate unit. Counsel for Local No. 24 stated at the hearing that there should be included within such unit all employees engaged by the company, with the exception of supervisory personnel, foremen, members of the board, maintenance employees, clerical employees, and those engaged in the office. The company indicated at the hearing that it thought the employees in the hand cigar-making department and those in the machine cigar-making department had conflicting interests, and therefore might desire to have separate bargaining units. However, its counsel stated that it thought the matter was not one for the company to determine, and no claim was made at the hearing that the unit claimed by Local No. 24 is not appropriate.

We find that all the employees of Schwartz, excluding foremen, supervisory personnel, board members, superintendents, maintenance employees, clerical employees, and those engaged in the office, constitute a unit appropriate for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and that said unit will insure to employees of the company the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.

D. *Tegge*.—In its petition Local No. 24 alleges that the “production workers” of Tegge “exclusive of foremen, superintendents, and clerical help” constitute an appropriate unit. Board’s Exhibit No. 9 lists the following classifications for the employees in the company’s factory: Rollers, bunchmakers, packers, strippers, tobacco conditioners, cleaners, tobacco weighers, stockgirls, shipping clerks, banding and cellophane machine operators, casers, and hand cellophaners. The term “production workers”, as applied to Tegge, shall be construed herein to include employees of the classifications above-specified. No claim was made at the hearing that the unit contended for by Local No. 24 is not appropriate.

We find that all the production workers of Tegge, excluding foremen, superintendents, and clerical help, constitute a unit appropriate for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and that said unit will insure to employees of the company the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.

E. *Webster*.—In its petition Local No. 24 alleges that the “production workers” of Webster, “exclusive of foremen, superintendents and

clerical help" constitute an appropriate unit. At the hearing the Board, the company, and Local No. 24 stipulated that the appropriate unit consists of all the production employees, excluding office help and foremen. For the purposes of clarity it was stated that the appropriate unit agreed upon included all employees in the casing, conditioning, stripping, cigar-making, packing, cellophane and boxing, and shipping departments, with the exception of foremen, clerical help and superintendents, and the term "production workers", as applied to Webster, shall be construed herein to include all such employees. It was also stipulated that the only janitor employed by the company be included in the unit.

We find that all the production workers and janitors of Webster, excluding foremen, office and clerical help, and superintendents, constitute a unit appropriate for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and that said unit will insure to employees of the company the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.

VI. THE DETERMINATION OF REPRESENTATIVES

The evidence introduced by Local No. 24 was not adequate to sustain its contention that a majority of the employees of each of the companies are members of Local No. 24. We find that the question concerning representation which has arisen can best be resolved by means of elections by secret ballot.

The companies claim that eligibility to vote in the elections should be determined on the basis of the pay rolls current at the time of the hearing. Local No. 24 raised no objection to such determination of eligibility in the cases of Tegge, General, and Webster. It stated, however, that in the cases of Schwartz and Essex only persons who were employed by those companies on February 18 and 19, 1937, respectively, the dates on which the factories of those companies had been shut down, should be eligible to vote in the elections. That contention was based in part on the claim that the companies, in their letter to the Governor, dated April 22, 1937, had in effect agreed that elections would be conducted on the basis of their respective pay rolls as of the February dates. In the case of Schwartz, Local No. 24 advanced an additional reason for determining eligibility by the earlier pay roll, namely, that the company had discriminated against its members. However, in view of all the facts of the case, particularly the great length of time which has elapsed since the shut-down of the factories and the filing of the various petitions, we are of the opinion that elections in accordance with the union's contention

would not reflect the desires concerning representation of those employees who will be affected by the elections.

Those eligible to vote in the elections, therefore, shall be the persons within the respective appropriate units who were employed by the companies during their respective pay-roll periods next preceding November 18, 1937, the first day of the hearings in these proceedings, excluding those who since have voluntarily quit or been discharged for cause.

General and Webster contended at the hearing that if an election is ordered, the form of ballot should be such that employees could vote not only for the petitioning union, but in the alternative for a committee of fellow employees, or for any other agency desired.⁸ No reason appears in the record why such form of ballot would be desirable under the circumstances of this case.

Wolverine Labor Organization, which formerly had some members among the employees of Schwartz, will not appear on the ballot for those employees, since it has become inactive.

On the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

CONCLUSIONS OF LAW

1. Questions affecting commerce have arisen concerning the representation of employees of General Cigar Co., Inc., Essex Cigar Company, Bernard Schwartz Cigar Corporation, Tegge-Jackman Cigar Company, and Webster Cigar Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. All the production workers of General Cigar Co., Inc. at its Detroit factory, excluding foremen, superintendents, and clerical help, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

3. All the employees of Essex Cigar Company in its factory, excluding foremen, superintendents, supervisors, clerical help, and janitors, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

4. All the employees of Bernard Schwartz Cigar Corporation, excluding foremen, supervisory personnel, board members, superintendents, maintenance employees, clerical employees, and those engaged in the office, constitute a unit appropriate for the purpose of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

⁸ A similar contention was advanced by Essex in its letter dated June 3, 1937, to the Regional Director (Board Exhibit No. 7). It did not make that contention at the hearing.

5. All the production workers of Tegge-Jackman Cigar Company, excluding foremen, superintendents, and clerical help, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

6. All the production workers and janitors of Webster Cigar Company, excluding foremen, office and clerical help, and superintendents, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

DIRECTION OF ELECTIONS

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

DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining with General Cigar Co., Inc., an election by secret ballot shall be conducted within sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Seventh Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among all the production workers employed by General Cigar Co., Inc., at its Detroit, Michigan, factory, during the pay-roll period next preceding November 18, 1937, excluding foremen, superintendents, and clerical help, and excluding those who since have voluntarily quit or been discharged for cause, to determine whether or not they desire to be represented by United Cigar Workers Local Industrial Union No. 24 for the purposes of collective bargaining; and it is

FURTHER DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining with Essex Cigar Company, an election by secret ballot shall be conducted within sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Seventh Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among all the employees employed by Essex Cigar Company in its factory during the pay-roll period next preceding November 18, 1937, excluding foremen, superintendents, supervisors, clerical help, and janitors, and excluding those who since have voluntarily quit or been discharged for cause, to determine whether or not they desire to be represented by United Cigar Workers Local Industrial Union No. 24 for the purposes of collective bargaining; and it is

FURTHER DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining

with Bernard Schwartz Cigar Corporation, an election by secret ballot shall be conducted within sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Seventh Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among all the employees employed by Bernard Schwartz Cigar Corporation during the pay-roll period next preceding November 18, 1937, excluding foremen, supervisory personnel, board members, superintendents, maintenance employees, clerical employees, and those engaged in the office, and excluding those who since have voluntarily quit or been discharged for cause, to determine whether or not they desire to be represented by United Cigar Workers Local Industrial Union No. 24 for the purposes of collective bargaining; and it is

FURTHER DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining with Tegge-Jackman Cigar Company, an election by secret ballot shall be conducted within sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Seventh Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among all the production workers employed by Tegge-Jackman Cigar Company during the pay-roll period next preceding November 18, 1937, excluding foremen, superintendents, and clerical help, and excluding those who since have voluntarily quit or been discharged for cause, to determine whether or not they desire to be represented by United Cigar Workers Local Industrial Union No. 24 for the purposes of collective bargaining; and it is

FURTHER DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining with Webster Cigar Company, an election by secret ballot shall be conducted within sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Seventh Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among all the production workers and janitors employed by Webster Cigar Company during the pay-roll period next preceding November 18, 1937, excluding foremen, office and clerical help, and superintendents, and excluding those who since have voluntarily quit or been discharged for cause, to determine whether or not they desire to be represented by United Cigar Workers Local Industrial Union No. 24 for the purposes of collective bargaining.