

IN the MATTER OF ATLANTIC FOOTWEAR COMPANY, INC. *and* UNITED  
SHOE WORKERS OF AMERICA OF THE C. I. O.

*Case No. R-520*

SECOND AMENDMENT TO DIRECTION OF ELECTION

*March 26, 1938*

On February 12, 1938, the National Labor Relations Board, herein called the Board, issued its Decision and Direction of Election<sup>1</sup> in the above-entitled proceeding. The Direction of Election provided that "an election by secret ballot shall be conducted within fifteen (15) days from the date of this Direction, under the direction and supervision of the Regional Director for the Second Region."

On February 24, 1938, the Board, having been informed by the Regional Director for the Second Region that additional time would be required for the holding of said election, directed that the time for the holding of the election be extended indefinitely.<sup>2</sup>

The Board hereby directs that said election shall be held within ten (10) days from the date of this Amendment to the Direction of Election.

CHAIRMAN J. WARREN MADDEN took no part in the consideration of the above Second Amendment to Direction of Election.

[SAME TITLE]

SUPPLEMENTAL DECISION

AND

CERTIFICATION OF REPRESENTATIVES

*April 21, 1938*

On November 16, 1937, United Shoe Workers of America, affiliated with the Committee for Industrial Organization, herein called the United, filed with the Regional Director for the Second Region (New York City) a petition alleging that a question affecting commerce had arisen concerning the employees of Atlantic Footwear Company, Inc., Passaic, New Jersey, herein called the Company, and requesting.

<sup>1</sup> 5 N. L. R. B. 252

<sup>2</sup> 5 N. L. R. B. 256.

an investigation and certification of representatives pursuant to Section 9 (c) of National Labor Relations Act, 49 Stat. 449, herein called the Act. On November 16, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, 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.

On December 3, 1937, the Regional Director issued a notice of hearing to be held at New York City on December 10, 1937, copies of which were served upon the Company, the United, and upon Boot and Shoe Workers Union, Local 674, herein called Boot and Shoe Workers Union.

Pursuant to the notice, a hearing was held at New York City on December 10, 16, 21, and 23, 1937, before H. R. Korey, the Trial Examiner duly designated by the Board. On February 12, 1938, the Board issued a Decision and Direction of Election. On February 24, 1938, the Board issued an Amendment to the Direction of Election, and on March 26, 1938, the Board issued a Second Amendment to the Direction of Election. In its Decision the Board determined that the production employees of the Company constituted a unit appropriate for the purposes of collective bargaining and directed an election among these employees, to determine whether they desired to be represented by the United, or by Boot and Shoe Workers Union, or by neither.

Pursuant to the Direction of Election, as amended, a secret ballot was conducted on March 26, 1938. Thereafter, 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 her Intermediate Report on the ballot. Objections were filed to the ballot and to the Intermediate Report by the Company. Upon careful consideration of the objections the Board finds them to be without substantial merit and they are hereby overruled.

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

Total number eligible.....	50
Total ballots cast.....	32
Total number of ballots counted.....	32
Total number of votes in favor of—	
United Shoe Workers of America, affiliated with the C. I. O..	19
Boot and Shoe Workers Union, affiliated with the A. F. of L..	0
Neither union.....	13
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged ballots.....	0

## CERTIFICATION OF REPRESENTATIVES

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, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that United Shoe Workers of America, affiliated with the Committee for Industrial Organization, has been selected by a majority of the production employees of the Atlantic Footwear Company, Inc., at its plant in Passaic, New Jersey, excluding clerical and supervisory employees, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, United Shoe Workers of America 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.