

In the Matter of NOVELTY SLIPPER Co. *and* EMPLOYEES OF NOVELTY
SLIPPER Co., INC., and BOOT & SHOE WORKERS' UNION, A. F. OF L.

Case No. R-496

CERTIFICATION OF REPRESENTATIVES

May 5, 1938

On the 12th day of February 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election¹ in the above-entitled case. The Direction of Election directed that an election by secret ballot be conducted within fifteen (15) days from the date of the Direction among all the production employees of the Novelty Slipper Co., Inc., New York City, herein called the Company, who were employed by the Company during the pay-roll period next preceding the filing of the petition in this case, excluding office and supervisory employees, and employees who quit or were discharged for cause between such date and the date of the election, to determine whether or not they desired to be represented by the Boot & Shoe Workers' Union, affiliated with the American Federation of Labor, or the United Shoe Workers of America, affiliated with the Committee for Industrial Organization, for the purposes of collective bargaining, or by neither.

Pursuant to the Decision and Direction of Election, an election by secret ballot has been conducted under the direction and supervision of Elinore Morehouse Herrick, the Regional Director for the Second Region (New York City), among the eligible employees of the Company.

On March 4, 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 an Intermediate Report on the election. Thereafter, on March 8, 1938, objections to the Intermediate Report were filed with the said Regional Director by the United Shoe Workers of America involving the conduct of the election. On April 11, 1938, the said Regional Director notified the United that the objections, having been duly considered, were thereby overruled on the ground that sufficient proof had not been adduced to substantiate the objections. On April 16,

¹ 5 N. L. R. B. 264.

1937, counsel for the United appealed the ruling of the Regional Director on the objections to the Board and asked that the "matter be set down for an early hearing before a Referee." Having investigated the objections of the United, the affidavits submitted in support of the objections, and the report of the examination made by the Regional Office relative to the exceptions, the Board hereby sustains the action of the Regional Director in overruling the objections filed by the United and hereby denies its request for a hearing.

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

Total Number Eligible to Vote.....	205
Total Number of Ballots Cast.....	189
Total Number of Ballots Counted.....	188
Total Number of Votes in favor of Boot & Shoe Workers' Union, A. F. of L.....	104
Total Number of Votes in favor of United Shoe Workers of America, C. I. O.....	79
Total Number of Votes in favor of neither union.....	5
Total Number of Blank Votes.....	0
Total Number of Void Ballots.....	1
Total Number of Challenged Votes.....	0

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, 49 Stat. 449, 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 the Boot & Shoe Workers' Union, affiliated with the American Federation of Labor, has been selected by a majority of the production employees of the Novelty Slipper Co., Inc., New York City, excluding office and supervisory employees, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, Boot & Shoe Workers' Union, affiliated with the American Federation of Labor, 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.