

In the Matter of NEW YORK HANDKERCHIEF COMPANY *and* INTERNATIONAL LADIES GARMENT WORKERS UNION, LOCAL NO. 76

*Case No. R-579*

CERTIFICATION OF REPRESENTATIVES

*June 1, 1938*

On February 28, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled case.<sup>1</sup> On March 11, 1938, the Board issued an Amendment to Decision and Direction of Election.<sup>2</sup> The Direction of Election, as amended, directed that an election by secret ballot be conducted among the production and maintenance employees of the New York Handkerchief Company, who appeared on the pay roll as of January 28, 1938, excluding clerical and supervisory employees, and those employees who had since quit or been discharged for cause, to determine whether or not they desired to be represented by the International Ladies Garment Workers Union, Local No. 76, affiliated with the Committee for Industrial Organization for the purpose of collective bargaining.

Pursuant to the Decision and Direction of Election as amended an election by secret ballot has been conducted under the direction and supervision of Leonard C. Bajork, the Regional Director for the Thirteenth Region (Chicago, Illinois).

Pursuant to the Direction, an election by secret ballot was conducted on March 24, 1938. Full opportunity was accorded to all the parties to this investigation to participate in the conduct of the secret ballot and to make challenges. 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 an Intermediate Report, in which he made the following findings with respect to the results of the election:

Total number eligible to vote.....	225 <sup>3</sup>
Total number of ballots cast.....	56

<sup>1</sup> 5 N L R B 703.

<sup>2</sup> 5 N L R B 706

<sup>3</sup> This is an approximate figure.

Total number of votes in favor of International Ladies Garment Workers Union, Local 76.....	53
Total number of votes against the International Ladies Garment Workers Union, Local 76.....	3
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged ballots.....	0

The Regional Director in his recital in the Intermediate Report of the circumstances relative to the holding of the election stated, in part, that he was reliably informed and believes that the notice of election mailed to the Company was not posted until approximately 4:30 p. m. on the day of the election, although the polls were opened at 3:00 p. m. on said day; that a group of five employees intermittently joined by the representatives of the Company stationed themselves directly in front of the polling place, observing employees as they voted; and that affidavits filed with him by employees of the Company allege that Company representatives stood by while a petition endorsing the Company was circulated in the plant and that such representatives of the Company participated in advising employees against voting in the election. Under all the facts, the Regional Director recommended certification of International Ladies Garment Workers Union, Local No. 76, as the bargaining representative.

The Company filed exceptions to the Intermediate Report in which it denied participation by the Company in any of the activities set forth in the Intermediate Report and in which it denied that the Board had jurisdiction to conduct the election or that it has authority to certify the International Ladies Garment Workers Union, Local No. 76, as the bargaining representative.

The Board has carefully considered the Intermediate Report on the secret ballot, the exceptions filed by the Company, and an additional report made by the Regional Director relative to said election. Upon such consideration the Board finds that the employees of the Company had adequate knowledge relative to the holding of the election and that the majority of employees within the appropriate unit have selected and designated the International Ladies Garment Workers Union, Local No. 76, as their bargaining representative.

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 International Ladies Garment Workers Union, Local No. 76, has been designated and selected by a majority

of the production and maintenance employees of the New York Handkerchief Company who appear on the pay roll as of January 28, 1938, excluding clerical and supervisory employees, and those employees who have since quit or been discharged for cause, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the National Labor Relations Act, International Ladies Garment Workers Union, Local No. 76, 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.