

In the Matter of WAYNE KNITTING MILLS, INC., and THE AMERICAN
FEDERATION OF HOSIERY WORKERS, BRANCH NO. 2

Case No. R-2.—Decided December 7, 1935

Hosiery Industry—Unit Appropriate for Collective Bargaining: production and maintenance employees—Election Ordered: agreement for conduct of—Certification of Representatives.

Mr. Louis L. Jaffe for the Board.

Barrett, Barrett & McNagny, of Fort Wayne, Ind., and *Mr. Otto A. Jaburek*, of Chicago, Ill., for the Company.

Mr. Edwin R. Thomas, of Fort Wayne, Ind., for Association of Employees for Representation by Employees Only of the Wayne Knitting Mills.

Mr. Isadore Katz, of Philadelphia, Pa., for American Federation of Hosiery Workers, Branch No. 2.

Mr. Fred. G. Krivonos, of counsel to the Board.

DECISION

FINDINGS OF FACT

I. The American Federation of Hosiery Workers, on October 7, 1935, filed a petition with the Board, Eleventh Region, under Section 9 (c) of the National Labor Relations Act and Article III of the Board's Rules and Regulations, Series 1, for certification of representatives of employees of the Wayne Knitting Mills, Inc., Fort Wayne, Indiana, for collective bargaining. An investigation in the case under Section 9 (c) of the Act and Article III, Section 3, of the Rules and Regulations, was authorized by the Board on October 8, 1935. The company's motion to intervene in the proceeding was granted. A hearing pursuant to Section 9 (c) of the Act and Article III, Sections 3 to 7 of the Rules and Regulations was held in Fort Wayne, Indiana, on November 6 and 7, 1935, before Trial Examiner Ralph A. Lind.

II. The Wayne Knitting Mills, Inc., Fort Wayne, Indiana, is a manufacturer of full-fashioned hosiery.

III. The American Federation of Hosiery Workers is a national union affiliated with the American Federation of Labor through the United Textile Workers of America; Branch No. 2 of this organiza-

tion claims to represent production and other employees of the Wayne Knitting Mills for the purpose of collective bargaining.

IV. The Association of Employees for Representation of Employees Only of the Wayne Knitting Mills, has, since September 20, 1935, claimed to represent all of the employees of the Wayne Knitting Mills.

V. A question has arisen concerning the representation of employees of the company for collective bargaining.

VI. On October 31, 1935, the company and the Board entered into stipulations for the purpose of expediting the proceeding, under the terms of which the company "consents to the jurisdiction of the Board to hear and determine all questions pertaining to the conduct of an election of the employees of its Fort Wayne, Indiana, plant, pursuant to Section 9(c) of the Act, and waives any objection to such jurisdiction for the purposes of this particular proceeding." In the stipulations the company also agrees to furnish the Board a verified payroll for the purposes of such election and agrees to bargain collectively with the representatives chosen at such election.

VII. Evidence at a hearing conducted in the proceeding on November 6 and 7, 1935, pursuant to Section 9(c) of the Act and Article III of the Rules and Regulations establishes that the production and maintenance employees in the company's Fort Wayne plant are at this time engaged in operations directly concerned with or closely related to the manufacture of hosiery and the operation of the plant, and that at this time there exists a community of interest among such employees for the purposes of their right to self-organization and collective bargaining under the Act, and accordingly, in order to insure the company's employees the full benefit of their right to self-organization and collective bargaining and otherwise to effectuate the policies of the Act, the appropriate bargaining unit for the company's Fort Wayne Plant, under the circumstances of this case, consists of employees engaged in production and maintenance work, and does not include the supervisory staff, office force, salesmen, clerical and professional workers.

VIII. No evidence was presented at the hearing from which representatives for collective bargaining with the company may be ascertained. The company, the union and the Association agree that such representatives be ascertained in an election by secret ballot of employees.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 of the National Labor Relations Act, approved July 5, 1935, and pursuant to Article III, Section 8 of National Labor Relations Board Rules and Regulations, Series 1, it is

DIRECTED that as part of the investigation authorized by the Board in the above case to ascertain representatives for collective bargaining with the Wayne Knitting Mills, Inc., Fort Wayne, Indiana, an election by secret ballot shall be conducted within a period of one week from the date of this decision under the direction and supervision of the Regional Director, Eleventh Region, acting in this matter as the agent of the National Labor Relations Board and subject to Article III, Section 9 of said Rules and Regulations, among the production and maintenance employees on the payroll of such employer's Fort Wayne, Indiana plant, on October 25, 1935. Those eligible to vote shall be such employees on such payroll and those employed for such work between that date and the date of this decision, excepting those who quit or have been discharged for cause during such period, said election to be held to determine whether they desire to be represented by the American Federation of Hosiery Workers or the Association of Employees for Representation by Employees Only of the Wayne Knitting Mills, and it is further

DIRECTED for the purpose of determining the eligibility of employees to vote at the election, that, in accordance with its stipulation of October 31, 1935, the Wayne Knitting Mills, Inc. shall furnish, two days before the date of the election herein, to the Regional Director, Eleventh Region, acting in this matter as the agent of the National Labor Relations Board, its payroll list, arranged both numerically and alphabetically, showing the names of all its regularly employed production and maintenance employees on its payroll at its said Fort Wayne, Indiana, plant on October 25, 1935, and such employees who were employed since that date up to the date of this decision, excepting those who quit or were discharged during that period.

[SAME TITLE]

CERTIFICATION OF REPRESENTATIVES

December 31, 1935

A petition for certification of representatives having been duly filed, an investigation and hearing having been duly authorized and conducted, and an election by secret ballot having been conducted on December 12, 1935, among the production and maintenance employees of the Wayne Knitting Mills, Inc., located at Fort Wayne, Indiana, pursuant to the National Labor Relations Board's Direction for Election dated December 7, 1935, and an intermediate report as to the results of such election having been prepared by the Regional Director for the Eleventh Region, served upon the parties to the

above proceeding and, in the absence of objections thereto, filed with this Board pursuant to Article III, Section 9 of National Labor Relations Board Rules and Regulations—Series 1,

THEREFORE, 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, approved July 5, 1935, and pursuant to Article III, Section 8 of National Labor Relations Board Rules and Regulations—Series 1,

IT IS HEREBY CERTIFIED that the American Federation of Hosiery Workers has been designated and selected by a majority of the production and maintenance employees of said Wayne Knitting Mills, Inc. as their representative for the purpose of collective bargaining and that, pursuant to the provisions of Section 9(a) of said Act, said American Federation of Hosiery Workers 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.