

In the Matter of GOLDSTEIN HAT MANUFACTURING COMPANY and  
UNITED HATTERS, CAP AND MILLINERY WORKERS INTERNATIONAL  
UNION, LOCAL 57

*Case No. R-349*

*Mr. L. N. D. Wells, Jr.*, and *Mr. Warren Woods*, for the Board.  
*Mr. Emil Corenbleth*, of Dallas, Tex., for the Company.  
*Mr. Jim Guthrie*, of Dallas, Tex., for the Union.  
*Mr. Lewis M. Gill*, of counsel to the Board.

DIRECTION OF ELECTION

*November 11, 1937*

The National Labor Relations Board, having found upon an examination of the record in the above matter that a question affecting commerce has arisen concerning the representation of employees of Goldstein Hat Manufacturing Company, Dallas, Texas, and that the blockers, apprentice blockers, operators, apprentice operators, trimmers, apprentice trimmers, foreman, forelady, assistant foreladies, cutters, inspectors, preparers, helpers, order filler, and shipping clerks employed by said Company (as listed in Appendix A, annexed hereto) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act, 49 Stat. 449, and acting pursuant to the power vested in it by Section 9 (c) of said Act, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended, hereby

DIRECTS that, as part of the investigation ordered to ascertain representatives for the purposes of collective bargaining with Goldstein Hat Manufacturing Company, Dallas, Texas, an election by secret ballot shall be conducted within a period of ten (10) days from the date of this Direction of Election, under the direction and supervision of the Regional Director for the Sixteenth 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 blockers, apprentice blockers, operators, apprentice operators, trimmers, apprentice trimmers, foreman, forelady, assistant foreladies, cutters, inspectors, preparers, helpers, order filler, and shipping clerks employed by said Company (as listed in Appendix A, annexed hereto) to determine whether or not they desire to be represented by the United Hatters, Cap and Millinery Workers International Union, Local 57, for the purposes of collective bargaining.

## APPENDIX A

<b>BLOCKERS :</b>	<b>TRIMMERS :</b>	<b>FOREMAN :</b>
Richard Morris	Adelle Ballard	Ned Smith
Arvil Inge	De Alva Cayce	
James Clark	Evelyn Allen	<b>FORELADY :</b>
Alvin Holman	Dora Buffington	Grace Emery
Arthur Da Mommio	Helen Williams	
Bill Murray	Louise Wright	<b>ASSISTANT FORELADIES :</b>
Ralph Smith	Eunice Jarvis	Sue Shields
Eugene Peters	Katherine Sloan	Ada Ragsdale
A. J. Ethelton	Lila Ribble	
Asa Benningfield	Armie Sams	<b>CUTTERS :</b>
Deugar Russell	Willie Mae Watson	Jewell Small
L. W. Cadmus	Bess Pendergrass	Olhe Bell Paskett
Dawson McMichael	Irene Bowden	Genevieve Swann
Crockett McKay	Ted Kennedy	Floyette Waller
Doyle Inge	Opal McKay	Winnie Thedoford
J. D. Camp	Ruby Retherford	
Gans Smith	Gertie McIntosh	<b>INSPECTORS :</b>
Hubert Stamps	Mattie McCallum	Olis Davis
Jonas Clark	Helen Carroll	Elizabeth Davis
Milo Benningfield	Florence Hardin	Loette Beets
George Day	Maray Phillips	
	Sibbie Kerbow	<b>PREPARERS :</b>
<b>APPRENTICE BLOCKERS :</b>	Lena Ballard	Louise Harrell
Harvey Huse	Viana Tibbitts	Lucille Rogers
Harold Hill	Lena Latimer	Gladys Wallace
Delmar McKinley	Emily Turnipseed	
C. R. McMillan	Bertha Toungate	<b>HELPERS :</b>
Mayo Roper	Rosa Lee Nichols	Gene Handley
J. C. Williams, Jr.	Clemmie Mann	Robert Bristow
	Rosa Lee Jordon	Jack Bristow
<b>OPERATORS :</b>	Ina Wilson	Olden Phillips
Margaret Trussell	Muriel Yates	
Annie Lou Spencer	Louise Weston	<b>ORDER FILLER :</b>
Marie Inge	Jane Moss	Lorraine Handley
Jettie Brashear	Iva Maris	
Susie Bates	Irene Kinnard	<b>SHIPPING CLERKS :</b>
Jewell Freeman	Edith Henrie	Geo. Starling
Evie Price	Alice Couch	Geo. Scallon
Morris Fink	Alma Baker	
Seymour Goldstein	Ada Graves	
	Clara Ward	
<b>APPRENTICE OPERATORS :</b>	Mittie McCown	
Sylvia Strube	<b>APPRENTICE TRIMMERS :</b>	
	Hallie Trushel	
	Ethel Doty	
	Lois Crane	
	Mozelle Spurgeon	
	Allie Scott	
	Tempest Riedel	
	Ethel Goodwin	
	Margaret Platt	
	Edythe Harden	
	Katherine Meachum	

[SAME TITLE]

*Decision, December 23, 1937*

*Millinery Manufacturing Industry—Investigation of Representatives: controversy concerning representation of employees; refusal by employer to recognize petitioning union as exclusive bargaining agent—Unit Appropriate for Collective Bargaining: production employees, no controversy as to—Election Ordered—Dismissal of Petition for Investigation and Certification.*

DECISION  
AND  
ORDER

## STATEMENT OF THE CASE

On August 17, 1937, United Hatters, Cap and Millinery Workers International Union, Local 57, herein called the Union, filed with the Regional Director for the Sixteenth Region (Fort Worth, Texas) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Goldstein Hat Manufacturing Company, Dallas, Texas, herein called the Company, 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. On September 11, 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 the same day the Board, acting pursuant to Article III, Section 10, of said Rules and Regulations, ordered this case consolidated with certain others for purposes of hearing.

On September 18, 1937, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company and upon the Union. Pursuant to the notice, a hearing was held September 30 through October 21, 1937, at Dallas, Texas, before William H. Griffin, the Trial Examiner duly designated by the Board. The Board, the Company, and the Union were represented by counsel and participated in the hearing. Full opportunity to be heard, to examine and to cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. During the course of the hearing the Trial Examiner made several rulings on motions 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.

After examining the record in this matter, the Board concluded that a question affecting commerce had arisen concerning the representa-

tion of employees of the Company, and on the basis of such conclusion, and acting pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued a Direction of Election on November 11, 1937, in which it found that the blockers, apprentice blockers, operators, apprentice operators, trimmers, apprentice trimmers, foreman, forelady, assistant foreladies, cutters, inspectors, preparers, helpers, order filler, and shipping clerks employed by the Company (as listed in Appendix A attached to the Direction of Election) constitute a unit appropriate for the purposes of collective bargaining. For the purpose of expediting the election and thus to insure to employees of the Company the full benefit of their right to collective bargaining as soon as possible, the Board directed the election without at the same time issuing a decision embodying complete findings of fact and conclusions of law. The Board also designated the Regional Director for the Sixteenth Region as its agent to conduct the election among the employees in the appropriate unit.

Pursuant to the Board's Direction of Election, an election by secret ballot was conducted by the Regional Director on November 23, 1937, among the employees of the Company constituting the bargaining unit found appropriate by the Board. Thereafter, the Regional Director issued and duly served upon the parties to the proceeding the Intermediate Report upon the secret ballot. No exceptions to the Intermediate Report have been filed by any of the parties.

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

Total number of eligibles.....	111
Total number of ballots counted.....	95
Total number of votes for United Hatters, Cap and Millinery Workers International Union, Local 57.....	22
Total number of votes against United Hatters, Cap and Mil- linery Workers International Union, Local 57.....	73
Total number of blank ballots.....	0
Total number of void ballots.....	0
Total number of challenged votes.....	0

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

## FINDINGS OF FACT

### I. THE BUSINESS OF THE COMPANY

The Company is a Texas corporation, with its plant and principal offices in Dallas, Texas. It is engaged in the manufacture and sale of millinery. Raw materials used by the Company include felt, felt bodies, ribbon, trimmings, and piece goods. Between 80 and 90

per cent of the raw materials are purchased outside the State of Texas, principally in New York City. About two-thirds of the millinery made by the Company is sold outside the State of Texas. Gross sales of the Company in 1936 were between \$300,000 and \$500,000.

## II. THE UNION

United Hatters, Cap and Millinery Workers International Union, Local 57, is a labor organization admitting to its membership all production employees of the Company, including foremen and foreladies.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to bargain with the Union without proof of the Union's majority.

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

## IV. THE EFFECT OF THE QUESTION CONCERNING REPRESENTATION UPON COMMERCE

We find that the question concerning representation which has arisen, occurring in connection with the operations of the Company 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 to labor disputes burdening and obstructing commerce and the free flow of commerce.

## V. THE APPROPRIATE UNIT

At the hearing counsel for the Company and counsel for the Union each agreed that the appropriate unit should consist of an agreed group of employees of the Company, including blockers, apprentice blockers, operators, apprentice operators, trimmers, apprentice trimmers, foreman, forelady, assistant foreladies, cutters, inspectors, preparers, helpers, order filler, and shipping clerks. We see no reason for invalidating this agreed unit.

We find that the blockers, apprentice blockers, operators, apprentice operators, trimmers, apprentice trimmers, foreman, forelady, assistant foreladies, cutters, inspectors, preparers, helpers, order filler, and shipping clerks employed by the Company (as listed in Appendix A, annexed to the Direction of Election issued by the Board on November 11, 1937) constitute a unit appropriate for the purposes of collective bargaining 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 will otherwise effectuate the policies of the Act.

## VI. THE DETERMINATION OF REPRESENTATIVES

The results of the secret ballot show that no collective bargaining representatives have been selected by a majority of the employees of the Company in the appropriate unit. We will accordingly dismiss the petition for investigation and certification filed by the Union.

Upon 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. A question affecting commerce has arisen concerning the representation of employees of Goldstein Hat Manufacturing Company, Dallas, Texas, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. The blockers, apprentice blockers, operators, apprentice operators, trimmers, apprentice trimmers, foreman, forelady, assistant foreladies, cutters, inspectors, preparers, helpers, order filler, and shipping clerks employed by the Company (as listed in Appendix A, annexed to the Direction of Election issued by the Board in this case on November 11, 1937) constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

## ORDER

Upon the basis of the above findings of fact and conclusions of law, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Goldstein Hat Manufacturing Company filed by United Hatters, Cap and Millinery Workers International Union, Local 57, be, and it hereby is, dismissed.