

In the Matter of CHICOPEE MANUFACTURING CORPORATION and TEXTILE WORKERS ORGANIZING COMMITTEE

Case No. R-300.—Decided December 8, 1937

Cotton Textile Industry—Investigation of Representatives: controversy concerning representation of employees; refusal of employer to recognize petitioning union as exclusive bargaining agent until question of representation is determined by Board—*Unit Appropriate for Collective Bargaining:* plant-wide, excluding supervisory and clerical employees; functional coherence; *Election-Ordered—Certification of Representatives.*

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

On August 30, 1937, Textile Workers Organizing Committee, herein call the T. W. O. C., filed with the Regional Director for the First Region (Boston, Massachusetts) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Chicopee Manufacturing Corporation, Chicopee Falls, Massachusetts, 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 4, 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 September 18, 1937, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, the T. W. O. C., and American Federation of Textile Operatives, herein called the A. F. T. O., a labor organization purporting to represent some of the Company's employees. Pursuant to the notice, a hearing was held at Springfield, Massachusetts, on September 27, 1937, before Paul Davier, the Trial Examiner duly designated by the Board. The Board, the Company, the T. W. O. C., and the A. F. T. O. were represented and participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all the 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 the case, the Board concluded that a question affecting commerce had arisen concerning the representation of employees of the Company, and on the basis of such conclusion, and acting pursuant to Article III, Section 8, of said Rules and Regulations—Series 1, as amended, issued a Direction of Election on October 20, 1937,¹ in which it was found that all the employees of the Company, except supervisory and office employees, constitute a unit appropriate for the purposes of collective bargaining. Merely for the purpose of expediting the election and thus to insure to the employees of the Company the full benefit of their right to collective bargaining as early as possible, the Board directed the election without at the same time issuing a decision embodying complete findings of fact and conclusions of law.

Pursuant to the Board's Direction of Election, an election by secret ballot was conducted on October 29, 1937, by the Regional Director for the First Region among the employees of the Company constituting the bargaining unit found appropriate by the Board. On November 1, 1937, the Regional Director issued his Intermediate Report upon the secret ballot, which was duly served upon the parties to the proceeding. No exceptions to the Intermediate Report have been filed by any of the parties.

As to the results of the secret ballot, the Regional Director reported the following:

Total number eligible.....	611
Total ballots cast.....	455
Total number of blank ballots.....	0
Total number of void ballots.....	2
Total number of ballots cast for Textile Workers Organizing Committee of the C. I. O.....	386
Total number of ballots cast for the American Federation of Textile Operatives.....	65
Total number of ballots cast for neither union.....	2

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company stipulated the following facts concerning its business:

The Company, incorporated in Massachusetts in 1916, has its principal office and place of business in Chicopee, Massachusetts. It is

¹ 3 N. L. R. B. 853

a wholly owned subsidiary of Johnson & Johnson, Inc., of New Brunswick, New Jersey, a New Jersey corporation. All sales of the Company's products are handled by the Chicopee Sales Corporation of New York City, a New York corporation. Shipping orders on goods are received by this corporation and it also handles the direct billing to the purchasers. The Company employs an average of 600 persons engaged in actual production, exclusive of supervisory and clerical employees. It manufactures surgical gauze, crinoline, and bunting, and produces about 2,000,000 yards of cotton fabric a week. The plant handles a complete manufacturing process, taking raw cotton in the bale, and cards, spins, weaves, and processes it into cotton fabric. About 200 bales of raw cotton, weighing about 500 pounds each, are used weekly, and this cotton is shipped to the mill from points outside Massachusetts. Most of the dyestuffs, starches, and acids, in sufficient quantity to process the factory production of cotton cloth, are imported from states other than Massachusetts. About 95 per cent in volume and value of the raw materials used in the production of the Company's product are imported from states other than Massachusetts. Of the average production of 2,000,000 yards of cotton cloth per week, about 1,000,000 yards are shipped as processed, bleached, or finished goods, and 1,000,000 yards are shipped as gray goods for further processing at other plants. About 90 per cent of the gray goods and 70 percent of the finished goods are shipped to points outside Massachusetts. The transportation of the raw material and the finished goods is carried on by rail and motor truck.

II. THE ORGANIZATIONS INVOLVED

Textile Workers Organizing Committee is a labor organization affiliated with the Committee for Industrial Organization. It admits to membership all employees of the Company, except supervisory and clerical employees.

Chicopee Loom Fixers Union is a labor organization affiliated with the American Federation of Textile Operatives. It admits to membership all loom fixers of the Company. During the hearing the officials of this union indicated a willingness, in the event that it should be chosen as the bargaining representative of the Company's employees, to amend its charter so as to render eligible for membership all employees of the Company excluding only clerical and supervisory employees.

III. THE QUESTION CONCERNING REPRESENTATION

During July 1937, a strike occurred in the spinning department of the Company. The strike was handled by the T. W. O. C. for the

employees and an agreement was reached between the Company and the T. W. O. C. that brought about a settlement of the strike. Subsequently thereto, during the course of conferences pertaining to labor grievances between the Company and the T. W. O. C., the question arose as to whether the latter should be recognized as the sole bargaining agency of the Company's employees. At that point John F. Shaw, the Company's agent, informed the T. W. O. C. that there was another union at the plant, and suggested that the two unions get together. Having dealt with the A. F. T. O. for the loom fixers, he wanted a ruling from the National Labor Relations Board before he entered into an exclusive bargaining agreement with the T. W. O. C.

We find, therefore, that a question has arisen concerning the 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 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

No adequate evidence was introduced to show that the loom fixers should constitute a separate bargaining unit. On the contrary, the record indicates that there are no important differentiating features between loom fixers and other skilled textile operatives, such as spinners and weavers. Moreover, there is such an interrelation in the operations of the Company's plant that a cessation of work in any one department will shortly cause other departments to cease operations. A common handling of the bargaining problem by an organization representing all employees would obviate such separate and possibly disruptive action.

During the course of the hearing, the A. F. T. O., through its representative and local officers, agreed to an election on a plant-wide basis among all the Company's employees, except clerical and supervisory employees. This agreement, subsequently reduced to writing and signed by the representatives of the T. W. O. C. and the A. F. T. O., is highly persuasive that the unit for collective bargaining should be a plant-wide unit.

We find that all the employees of the Company, except supervisory and office employees, constitute a unit appropriate for the purposes

of collective bargaining and that said unit will insure to 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.

VI. THE DETERMINATION OF REPRESENTATIVES

No evidence was introduced at the hearing upon the basis of which we could make a finding that a majority of the employees in the appropriate unit has designated and selected a representative for the purposes of collective bargaining. We, therefore, directed an election by secret ballot to determine their representative.

In accordance with our usual practice, we directed that the employees in the appropriate unit who were on the Company's pay roll for the week including the date of the petition herein, August 30, 1937, should be eligible to vote in the election.

The election by secret ballot, which was held in conformity with the above findings and pursuant to the Direction of the Board, resulted in a vote for the T. W. O. C. by a majority of the employees in the appropriate unit. The T. W. O. C. is, therefore, by virtue of Section 9 (a) of the Act, the exclusive representative of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and we will so certify.

Upon the basis of the above findings of fact, and upon the entire record in the proceedings, the Board makes the following:

CONCLUSIONS OF LAW

1. A question affecting commerce has arisen concerning the representation of employees of the Chicopee Manufacturing Corporation, Chicopee Falls, Massachusetts, within the meaning of Section 9 (c) and Sections 2 (6) and (7) of the National Labor Relations Act.

2. All the employees of the Company, except supervisory and office employees, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

3. Textile Workers Organizing Committee is the exclusive representative of all the employees in such unit for the purposes of collective bargaining, within the meaning of Section 9 (a) of the National Labor Relations Act.

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, 49 Stat. 449, and pursuant to Article III, Section 8, of

National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Textile Workers Organizing Committee has been designated and selected by a majority of the employees of Chicopee Manufacturing Corporation, Chicopee Falls, Massachusetts, excluding supervisory and office employees, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, Textile Workers Organizing Committee 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.