

In the Matter of PACIFIC MILLS and FEDERATION OF WOOLEN AND
WORSTED WORKERS OF AMERICA (UTWA-AFL)

Case No. 1-R-1523.—Decided October 28, 1943

Messrs. John T. Noonan, and Edward E. Elder, both of Boston, Mass., for the Company.

Mr. Joseph Sylvia, of New York City, and Miss Mary Taccone, of Lawrence, Mass., for the AFL.

Mr. John McCormick, of Methuen, Mass., for the Association.

Mr. Benjamin Wyle, of New York City, and Mr. Michael Schoonjans, of Lawrence, Mass., for the CIO.

Mr. Glenn L. Moller, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Federation of Woolen and Worsted Workers of America (UTWA-AFL), herein called the AFL, alleging that a question affecting commerce had arisen concerning the representation of employees of Pacific Mills, Lawrence, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddair, Jr., Trial Examiner. Said hearing was held at Lawrence, Massachusetts, on September 9 and 10, 1943. The Company, the AFL, Textile Workers Union of America (CIO), herein called the CIO, and Pacific Mills Worsted Division Employees' Association, herein called the Association, appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. At the conclusion of the hearing, the Company, the CIO, and the Association moved to dismiss the petition on the ground that the proposed unit is inappropriate for the purposes of collective bargaining. The Trial Examiner referred the motions to the Board for ruling. For the reasons appearing hereinafter, they are granted. The Trial Examiner's rulings made at the hearing are free from prejudicial er-

ror and are hereby affirmed. All parties were afforded an opportunity to file briefs with the board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Pacific Mills, a Massachusetts corporation, is engaged in the manufacture of cotton, woolen and worsted goods. The Company operates cotton mills at Columbia and Lyman, South Carolina, and a woolen and worsted manufacturing plant at Lawrence, Massachusetts. The Company's main office is in New York City, and it maintains branch sales offices in the principal cities of the United States. The Company's Lawrence, Massachusetts, plant is the only operation here involved. During the year 1942, the Company used at its Lawrence plant raw materials valued in excess of \$3,000,000, over 95 percent of which was shipped to the plant from points outside the Commonwealth of Massachusetts. During the same period the Company produced at the Lawrence plant finished goods, valued in excess of \$20,000,000, over 95 percent of which was shipped to points outside the Commonwealth of Massachusetts.

II. THE ORGANIZATIONS INVOLVED

Federation of Woolen and Worsted Workers of America, affiliated with the United Textile Workers of America and the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

Textile Workers Union of America (CIO), affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

Pacific Mills Worsted Division Employees' Association is an unaffiliated labor organization admitting to membership employees of the Company.

III. THE ALLEGED QUESTION CONCERNING REPRESENTATION

On or about June 29, 1943, the AFL notified the Company that it represented a majority of the wool sorters at the Company's Lawrence plant and requested recognition as their exclusive bargaining representative. The Company refused to extend such recognition on the ground that its wool sorters do not constitute a separate appropriate bargaining unit.

The Lawrence plant is composed of 16 buildings, located along Canal Street in a single area. It is a fully integrated woolen and

worsted manufacturing plant, receiving raw wool as it comes from the sheep's back and processing it through every step necessary to produce finished cloth. Each operation is dependent upon the operations which precede it. The plant has a uniform labor policy, administered by a Manager of Industrial Relations. This official supervises the central employment office and handles all questions involving working conditions and grievances throughout the plant. The wool sorters are located in one of the buildings in which are also employed several other categories of employees, namely, truckers, baggers, packers, elevatormen, and sweepers. The wool sorters work under the supervision of overlookers and graders.

The AFL contends that the wool sorters constitute a separate appropriate unit on the grounds that they are more highly skilled than the other employees, that their work is more seasonal in character than the work of employees in other categories, and that they move about from plant to plant much more than other employees. The petition for a so-called craft unit represents a radical departure from the now well-established pattern of collective bargaining in the textile industry. A number of years ago small portions of the industry were organized by a number of craft unions. The weak and unsatisfactory bargaining which resulted from confining unionization to the old craft units led gradually to the abandonment by the American Federation of Labor of further attempts to organize the industry into craft units and the adoption of an over-all industrial unit.¹ Thus the federations which compose the United Textile Workers, of which the petitioning Federation of Woolen and Worsted Workers of America is one, are industrial rather than craft unions.² The CIO, in conformance with its principle of industrial organization, has, since its origin, proceeded on an industrial unit basis. Our conclusions regarding the history of collective bargaining in the industry are not affected by the fact that we have on several occasions recognized the propriety of a separate unit of truck drivers, warehousemen, and yardmen in similar plants.³ The work of such employees is only indirectly related to textile production, whereas the work of wool sorters is an integral part of the production process. The textile unions have themselves, on several occasions, recognized the separate

¹ Savage, *Industrial Unionism in America*, p. 252; Mitchell, *Textile Unionism and the South*, Chapter I.

² All witnesses for the AFL testified that their union would prefer to organize the plant on an industrial basis; that the present petition for a unit of wool sorters was filed solely because it is the policy of the AFL to accede to the wishes of its members as to the type of bargaining unit, and the wool sorters desire a separate unit. One AFL organizer admitted that it is his union's intention to organize the entire plant. Contracts between the AFL and other mills in the area cover industrial units.

³ *Matter of New Bedford Cotton Manufacturers' Association*, 47 N. L. R. B. 1345; *Matter of Kilburn Mill*, 47 N. L. R. B. 1356; *Matter of Strong-Hewat & Co., Inc.*, 41 N. L. R. B. 116.

character of the work performed by such employees and excluded them from units of production and maintenance employees.⁴

The AFL's contention that wool sorting is a highly skilled craft finds little support in the evidence. The testimony offered by the AFL witnesses, none of whom was a wool sorter, as to the functions of wool sorters, indicated that a 4-year apprenticeship is necessary to qualify a person for this occupation. The preponderance of the evidence, however, shows clearly that however highly skilled wool sorting may once have been, it is no longer a particularly skilled occupation. Whereas formerly a wool sorter was required to sort the wool into from 14 to 18 different grades, today most mills, including the Company here involved, sort the wool into only 4 or 5 grades. Also, much of the work of wool sorters which was formerly done by hand is now done mechanically. Consequently, persons have in some instances qualified as wool sorters in as little as 5 months of training. It also appears that there are several other occupational groups in the plant which are more skilled and receive higher wage rates than wool sorters. The AFL contends that wool sorting is seasonal work and that wool sorters must travel from one company to another. However, the evidence indicates that this also occurs in other occupational groups in the industry.⁵ The Company also transfers employees, whenever possible, from wool sorting to other types of work when there is no work available in the wool sorting department.

For the foregoing reasons we find that the unit here sought is inappropriate for the purposes of collective bargaining. We therefore find that no question has arisen concerning the representation of employees of the Company and shall order that the petition be dismissed.

ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Pacific Mills, Lawrence, Massachusetts, filed by Federation of Woolen and Worsted Workers of America (UTWA-AFL) be, and it hereby is, dismissed.

⁴*Matter of Celluloid Corp.*, 25 N. L. R. B. 711; *Matter of Naumkeag Steam Co.*, 13 N. L. R. B. 513; *Matter of Sidney Blumenthal and Co., Inc.*, 12 N. L. R. B. 108.

⁵All AFL contracts contain a standard clause setting forth the manner in which force reductions are to be accomplished. This clause applies to all departments. By its terms, employees are divided on the basis of seniority into a "normal" force and a "peak" force. No "peak" force employees are to be employed unless the "normal" force can be provided full-time employment.