

In the Matter of POOL MANUFACTURING COMPANY and UNITED GARMENT  
WORKERS OF AMERICA, LOCAL UNION No. 251

*Case No. 16-R-726.—Decided November 15, 1943*

*Mr. C. T. Freeman*, of Sherman, Tex., and *Mr. Sidney L. Samuels*, of Ft. Worth, Tex., for the Company.

*Mr. A. F. Cadina* and *Mrs. Emily Jordan*, of San Antonio, Tex., for the Union.

*Miss Frances Lopinsky*, of council to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Garment Workers of America, Local Union No. 251, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Pool Manufacturing Company, Sherman, Texas, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before H. Carnie Russell, Trial Examiner. Said hearing was held at Sherman, Texas, on October 8, 1943. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error 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

Pool Manufacturing Company, a Texas corporation, is engaged in the manufacture of men's shirts, work, dress, and military trousers, one-piece work suits, sportswear, overalls, and allied garments at its plant in Grayson County, near Sherman, Texas. During the calendar

year 1942, the Company purchased in States other than the State of Texas, cotton piece goods, threads, buttons, and other related materials and items of the approximate value of \$509,575, which amounts to approximately 85 percent of its purchases for that year. During the same period the Company's sales to customers in States other than Texas amounted to the approximate value of \$704,633 or approximately 63.8 percent of its entire sales for that year.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

United Garment Workers of America, Local Union No. 251 affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of the Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

## IV. THE APPROPRIATE UNIT

The Union and the Company agree that an appropriate unit should consist of all non-supervisory production employees of the Company, at its Sherman, Texas, plant, including those in the cutting and shipping departments. The Company contends that this unit description covers all of the Company's employees except its plant superintendent and its six junior executives. The Union, on the other hand, contends that the description would exclude certain categories of employees hereinafter discussed.

1. *Main office employees.*<sup>2</sup> The employees who work in the main office of the plant are physically separated from the production

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<sup>1</sup> The Field Examiner reported that the Union submitted 201 authorization cards, all of which bore apparently genuine original signatures; that the names of 179 persons appearing on the cards were listed on the Company's pay roll of September 22, 1943, which contained the names of 319 employees in the appropriate unit; that the cards were dated 1 in August 1942; 195 in August and September 1943, 5 undated.

<sup>2</sup> Credit Manager, stenographer, file clerk, statements and invoice checking clerk, bookkeeper and cashier, sales accounting and general bookkeeper, perpetual inventory bookkeeper, pay-roll bookkeeper, and accounts receivable bookkeeper.

room. Although their work is necessary to the operation of the plant, it is completely clerical in nature. These employees are not "production employees" in the usual sense and we shall, therefore, exclude them from the unit.

2. *Plant office employees.* The plant office employees are separated from the production room by a glass partition. They are stenographers and clerks. The former do ordinary stenographic work; the latter make up size tickets and work coupons, keep personnel and production records. Their work bears the same relation to production as that of the main office employees, for which reason we shall exclude them from the unit.

3. *Shipping department employees.* The Union would include within the unit all shipping department employees including the shipping clerk, but excluding the billing clerk and the assistant shipping department supervisor. As the duties of these two employees, as well also as those of the shipping clerk, are more clerical than productive, we shall exclude the shipping clerk, the billing clerk, and the assistant shipping department supervisor from the unit.

4. *Floorladies and Floormen.* The floorladies and floormen are the direct supervisors of groups of machine operators. All directions to the operators come through them. They assign work, instruct newcomers, and keep records on the performance of the employees under their supervision. Although they have no authority to effect changes in the status of employees either directly or by recommendations, their records are used as a basis for making such changes, and they are regarded by the persons working under them as representatives of management. We find that floorladies and floormen are supervisory employees and shall exclude them from the unit.

5. *The piece goods foreman* is in charge of the piece goods department which is a stockroom for incoming stock. He checks in the stock, makes the proper records, and checks it out to the operators. He reports both to the plant superintendent and to the purchasing agent. Although the piece goods foreman has no authority to effect changes in the status of employees, in our opinion he is not a "non-supervisory production employee." Because of his responsibility for the operation of his department, the discretion which he may use therein, and the nature of his duties, we shall exclude him from the unit.

6. *Janitor, watchmen, gardener.* There are three watchmen, two of them watchmen-sweepers, the third a full-time watchman. They and the janitor come on duty after regular working hours. The gardener is in charge of keeping the outside premises in order. These three categories of workmen are clearly plant maintenance employees

whose work affects production only indirectly. As they do not fall within the meaning of the term "production employees" we shall exclude them from the agreed unit.

7. *The boiler room employee* is in charge of taking care of the boiler. He also dyes buttons, threads, and materials. Since he is, in part, a production employee, we shall include him in the unit.

We find that all production employees of the Company at its Sherman, Texas, plant, including employees in the shipping and cutting departments, and including the boiler room employee and the maintenance machinists,<sup>3</sup> but excluding all main office employees, plant office employees, the shipping clerk, the billing clerk, the assistant shipping department supervisor, floorladies and floormen, the piece goods foreman, the janitor, the watchmen, the gardener, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

#### DIRECTION OF ELECTION

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, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Pool Manufacturing Company, Sherman, Texas, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Sixteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV,

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<sup>3</sup> Both parties agreed that the maintenance machinists should be included.

above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by United Garment Workers of America, Local Union No. 251 affiliated with the American Federation of Labor, for the purposes of collective bargaining.