

In the Matter of NATIONAL LINEN SERVICE CORPORATION (CAROLINA LINEN SERVICE BRANCH, WINSTON-SALEM, N. C.) and UNITED LAUNDRY WORKERS LOCAL INDUSTRIAL UNION, No. 1332, AFFILIATED WITH THE C. I. O.

In the Matter of NATIONAL LINEN SERVICE CORPORATION (CAROLINA LINEN SERVICE BRANCH, WINSTON-SALEM, N. C.) and LAUNDRY WORKERS INTERNATIONAL UNION (AFL)

*Cases Nos. 5-R-1325 and 5-R-1359 respectively.—Decided
January 4, 1944*

Hutchins and Parker, by Messrs. Fred S. Hutchins, and H. Bryce Parker, of Winston-Salem, N. C., for the Company.

Mr. E. L. Sandefur, of Winston-Salem, N. C., for the CIO.

Mr. Joseph Jacobs, of Atlanta, Ga., for the AFL.

Mr. Robert Silagi, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon amended petitions duly filed by United Laundry Workers Local Industrial Union, No. 1332, affiliated with the C. I. O.,¹ herein called the CIO, and by Laundry Workers International Union (AFL), herein called the AFL, each alleging that a question affecting commerce had arisen concerning the representation of employees of National Linen Service Corporation, Carolina Linen Service Branch, Winston-Salem, North Carolina, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before Robert A. Levett, Trial Examiner. Said hearing was held at Winston-Salem, North Carolina, on November 15, 1943. The Company, the CIO, and the AFL 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.² The Trial Examiner's rulings

¹ At the hearing the petition was amended to show petitioner's name as herein set forth

² The AFL withdrew, without prejudice, a charge of unfair labor practice it had previously filed against the Company.

made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded 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

National Linen Service Corporation is a Delaware corporation maintaining its principal office in Atlanta, Georgia, where it also owns and operates three factories. It is engaged in the manufacture, sale, and distribution of soap, linens, coats, cabinets, and similar products, and operates through many branches, on a Nation-wide basis. The branches furnish towels, bed linens, uniforms, and similar supplies to Army camps, hospitals, clinics, sanitariums, physicians, barber shops, and other business organizations. The parent company itself, however, supervises and controls the operations and personnel of such branches. The sole branch involved in this proceeding is the Carolina Linen Service, located in Winston-Salem, North Carolina, which operates within a territory of about a 65 mile radius of said city. In addition, the branch transacts business in certain cities within the State of Virginia. Carolina Linen Service receives about 75 percent of its supplies from points outside the State of North Carolina. The total volume of its monthly business approximates \$29,000, of which \$1,700 is the amount of business transacted by it outside the State of North Carolina.

On the basis of these facts, we find that the Company's operations affect commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

United Laundry Workers Local Industrial Union No. 1332, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

Laundry Workers International Union, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

In July 1943, the CIO requested recognition from the Company as the exclusive bargaining representative of certain of its employees. Thereafter, a consent election agreement was executed between the CIO and the Company. However before the election scheduled in the consent election agreement could be held, the AFL notified the

Company of its claims to representation, and on August 13, 1943, filed its petition herein. The Company then took the position that it would recognize neither organization as exclusive collective bargaining representative of its employees, prior to a certification by the Board.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that each union represents a substantial number of employees in the unit hereinafter found appropriate.³

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 AFL and the Company urge the establishment of a unit consisting of all operating and maintenance employees of the Company, excluding clerical and supervisory employees. The CIO agrees with the other parties except that it would exclude routemen or drivers and their helpers from the unit. There is no history of any prior organization among the employees of the Company.

Broadly defined, the Company's operations may be divided into two distinct types of work, i. e., production and transportation. The former operation encompasses the processes of washing, ironing, and mending laundry and linen supplies, whereas the latter operation consists of delivering fresh linen, picking up soiled articles, collecting for services rendered, and soliciting new business. Operating employees, who comprise the bulk of the Company's personnel, work entirely within the confines of the plant. They are hourly paid, work a 40-hour week, and receive a 3-day paid vacation each year. On the other hand, the 15 routemen who drive the Company's trucks work outside the plant, receive a salary plus commissions on new business, work a 60-hour week, and get an annual paid vacation of 1 week. On each truck a routeman is assisted by a helper who is likewise salaried, works the same hours, and gets the same vacation allowance as does the routeman. In contrast to the operating employees who never have contact with the public, the routemen act as Company representatives in their capacities as salesmen-drivers. It is thus apparent that neither

³ The Regional Director reported that the CIO submitted 52 application-for-membership cards, all of which bore apparently genuine original signatures; that the names of 45 persons appearing on the cards were listed on the Company's pay roll of August 13, 1943, which contained the names of 105 employees in the alleged appropriate unit; and that the cards were dated in June and July 1942.

The AFL submitted 26 application-for-membership cards, all of which bore apparently genuine original signatures. The names of all persons appearing on the cards were listed on the Company's aforesaid pay roll. The cards were dated in July and August 1943. At the hearing the AFL submitted to the Trial Examiner, 41 additional cards all bearing apparently genuine original signatures, of which 11 bore the names of persons on the Company's pay roll. Of these 11 persons, 7 are drivers or helpers. Two of said 41 cards are dated in September 1943, and the remainder are dated in November 1943.

the problems nor the interests of the employees engaged in the two different types of work are sufficiently similar to require their inclusion in the same unit for purposes of collective bargaining.

Because of the distinction in the type of work performed by the inside and outside workers, the CIO does not accept the latter into membership, nor has it made any attempt to organize them in the instant case. The AFL has organized both classifications of employees. We note, however, that truck drivers in the laundry industry traditionally have been organized by affiliates of the American Federation of Labor other than the A. F. of L. labor organization here involved. In order to avoid any possible jurisdictional disputes at a later date and in conformity with our unit findings in other cases involving the laundry industry,⁴ we are of the opinion that a unit such as is desired by the CIO will best effectuate the policies of the Act. We find, therefore, that all operating and maintenance employees of the Company, but excluding roulemen and their helpers, clerical employees, the plant superintendent, linen room head, route manager, assistant route manager, laundry floorlady,⁵ and any other 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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with National Linen Service Corporation, Carolina Linen Service Branch, Winston-Salem, North Carolina, an election by secret ballot shall be conducted as

⁴ See *Matter of National Linen Service Corporation, et al.*, 48 N. L. R. B. 171; *Matter of Elite Laundry Company of Washington*, 53 N. L. R. B. 1212, and *Matter of Manhattan Company*, 53 N. L. R. B. 1339

⁵ The parties agree, and we find, that supervisory employees mentioned above should be excluded from the unit.

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 Fifth 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, 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 they desire to be represented by United Laundry Workers Local Industrial Union, No. 1332, affiliated with the Congress of Industrial Organizations, or by Laundry Workers International Union, (AFL), for the purposes of collective bargaining, or by neither.