

In the Matter of DIXIE MANUFACTURING COMPANY, INC. and, AMALGAMATED CLOTHING WORKERS OF AMERICA, C. I. O.

Case No. 10-R-1072.—Decided January 7, 1944

Mr. A. H. Roberts, Jr., of Nashville, Tenn., and *Mr. Pride Tomlinson*, of Columbia, Tenn., for the Company.

Messrs. Carl F. Albrecht and *Edward A. Blair*, for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition and amended petition duly filed by Amalgamated Clothing Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Dixie Manufacturing Company, Inc., Columbia, Tennessee, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Dan M. Byrd, Jr., Trial Examiner. Said hearing was held at Columbia, Tennessee, on December 8, 1943. The Company and the Union appeared at and participated in the hearing.¹ All parties 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 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

Dixie Manufacturing Company, Inc., is a Tennessee corporation engaged in the manufacture of pants and overalls at two plants in

¹ Although United Garment Workers of America, A. F. of L., was served with Notice of Hearing, it did not appear.

Columbia, Tennessee. We are here concerned with its Plant No. 2. During 1942 the Company purchased raw materials valued in excess of \$75,000, over 90 percent of which was shipped to it from points outside the State of Tennessee. During the same period the Company sold products valued in excess of \$75,000, over 90 percent of which was shipped to points outside the State of Tennessee. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Amalgamated Clothing Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of the Employees at Plant No. 2.

A statement of the Trial Examiner, read into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.²

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 requests the unit be confined to the production and maintenance employees at Plant No. 2, excluding supervisory employees. The Company urges that the unit be extended to include similar employees at Plant No. 1.

There are approximately 261 employees at Plant No. 2 and 239 at Plant No. 1. The two plants are approximately 1 mile apart but are under separate managers. Although the product of both plants is substantially the same and employees in both have similar skills and duties and receive the same basic wage rate, each of the plants has its own pay-roll facilities and work-ticket departments and keeps accounts in separate banks to meet the separate pay rolls. Warehousing, receiving, and shipping facilities are maintained at both plants of sufficient size to meet the requirements of each. There is no interchange

²The Trial Examiner reported that the Union presented 169 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of November 27, 1943. There are approximately 261 employees in the appropriate unit.

of raw or semi-manufactured products between the plants. Although infrequently, during times of emergency, there is interchange of personnel between the plants, the record indicates that as a rule employees are not transferred between the two plants. The Union has confined its organizational activities at Plant No. 2 and has no membership at Plant No. 1. In view of the extent of employee organization, the physical and organizational separation of the plants, and the absence of substantial interchange of employees between the plants, we are of the opinion that the employees of Plant No. 2, alone at the present time, constitute an appropriate unit.³

We find that all production and maintenance employees at Plant No. 2 of the Company, excluding 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 means of 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 Dixie Manufacturing Company, Inc., Columbia, Tennessee, 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 Tenth 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

³ See *Matter of Woodside Cotton Mills Company*, 48 N. L. R. B. 518; *Matter of Starter Mills*, 44 N. L. R. B. 486.

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 any 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 Amalgamated Clothing Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.