

In the Matter of VIRGINIA WOOLEN COMPANY and UNITED TEXTILE
WORKERS OF AMERICA, (AFL)

Case No. 5-R-1422.—Decided January 7, 1944.

Rice & Harris, by *Mr. Lacy I. Rice*, of Martinsburg, W. Va., for the
Company.

Mr. P. W. Stowell, of Asheville, N. C., for the Union.

Mr. Robert Silagi, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Textile Workers of America, (AFL),¹ herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Virginia Woolen Company, Winchester, Virginia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Keith W. Blinn, Trial Examiner. Said hearing was held at Winchester, Virginia, on November 24, 1943. The Company and the Union 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. 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

Virginia Woolen Company, a Virginia corporation, is engaged in the manufacture, sale, and distribution of woolen cloth at its plant in Winchester, Virginia. During the year 1942 the Company purchased raw materials valued in excess of \$3,000,000, of which approximately

¹ At the hearing a motion was granted to amend all formal papers in this proceeding to show the name of the union as above.

95 percent was shipped from points outside the State of Virginia to its plant at Winchester. During that same period of time, the Company sold and distributed finished products exceeding \$4,500,000 in value, 95 percent of which was shipped from Winchester to points outside the State of Virginia. About 40 percent of the Company's present business consists of supplying, under direct Government contract, woolen cloth and blankets to the armed services of the United States.

The Company concedes that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

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

III. THE QUESTION CONCERNING REPRESENTATION

On or about October 11, 1943, the Union requested recognition from the Company as the exclusive collective bargaining representative of the Company's employees. Thereafter, on October 16, the Company informed the Union that it would not grant recognition without a Board certification. On October 20, 1943, the Union filed its petition herein.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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 parties stipulate, and we find, that all production and maintenance employees of the Company including shipping clerks, but excluding all office and clerical employees, guards and watchmen, the designer, supervisory employees of the rank of second hand and above, 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

² The Field Examiner reported that the Union submitted 289 authorization cards all of which bore apparently genuine original signatures; that the names of 260 persons appearing on the cards were listed on the Company's pay roll of November 1, 1943, which contained the names of 604 employees in the appropriate unit; and that the cards were variously dated between August and October 1943.

appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.³

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 Virginia Woolen Company, Winchester, Virginia, 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 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 or not they desire to be represented by United Textile Workers of America, (AFL), for the purposes of collective bargaining.

³ The Company and the Union stipulated that Board Exhibit No 6, a pay roll of the Company marked with suitable inclusions and exclusions, represented their desires as to the appropriate unit. Since the employees designated thereon as excluded are neither production nor maintenance employees, we find that said exhibit properly lists the employees in the appropriate unit as of the date hereof.