

In the Matter of UNION MANUFACTURING COMPANY and TEXTILE  
WORKERS UNION OF AMERICA, CIO

*Case No. 10-R-1105.—Decided March 1, 1944*

*Mr. John Wesley Weekes, of Weekes and Candler, Decatur, Ga.,  
for the Company.*

*Mr. R. C. Thomas, of Atlanta, Ga., for the Union.*

*Mr. William Strong, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Textile Workers Union of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Union Manufacturing Company, Union Point, Georgia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Mortimer H. Freeman, Trial Examiner. Said hearing was held at Union Point, Georgia, on February 11, 1944. 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 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

Union Manufacturing Company, a Georgia corporation, has its plant and principal place of business at Union Point, Georgia, where it is engaged in the manufacture and sale of yarn and hosiery. During the 12 months preceding the hearing herein, the Company used raw materials, supplies and machinery replacements valued at more than \$250,000, of which about 33 percent in value was received from points

outside the State of Georgia, and manufactured and sold finished products valued in excess of \$1,000,000, of which about 95 percent was shipped to points outside that State.

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

## II. THE ORGANIZATION INVOLVED

Textile Workers Union of America, affiliated with the Congress of Industrial Organizations, 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 the Company's employees in effect until the Union has been certified by the Board in an appropriate unit.

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.<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 contends that all production and maintenance employees of the Company, excluding supervisory, clerical and office employees, constitute an appropriate unit. While the Company does not affirmatively indicate the unit which it considers to be appropriate, stating that that is a matter for Board determination, it nevertheless opposes the Union's requested unit for the reasons that about one-fifth of the Company's employees are engaged in the production of yarn and the balance are engaged in the manufacture of hosiery, that there is no community of interest among such employees and that the Union is a textile union.

All the Company's production work is performed in a series of contiguous buildings. All operations are under one management; there is one office for the entire plant. All employees are paid on the same day, production employees being on a piece-work rate and maintenance employees on an hourly rate. The minimum wage is the same for all. There is one general pay roll. The same policies are applicable to all employees. One shipping department and one receiving department service all operations. Practically all of the yarn

<sup>1</sup>The Trial Examiner reported that the Union submitted 310 membership application cards and that the alleged appropriate unit contains 585 persons

produced by the Company is also consumed by it in its other operations. There is no evidence to support the Company's contention that a plant-wide unit is inappropriate.

We find that all production and maintenance employees of the Company, excluding clerical and office employees, 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 3, it is hereby

**DIRECTED** that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Union Manufacturing Company, Union Point, Georgia, 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 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 Textile Workers Union of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

**MR. JOHN M. HOUSTON** took no part in the consideration of the above Decision and Direction of Election.