

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

Case No. 10-R-1112.—Decided March 7, 1944

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

Mr. Edward A. Blair, of Columbia, Tenn., and *Mr. Harold S. Marshenke*, of Nashville, Tenn., 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 Amalgamated Clothing Workers of America, 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 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

Dixie Manufacturing Company, Inc., a Tennessee corporation, is engaged in the manufacture of pants and overalls at two plants in Columbia, Tennessee. We are here concerning with its Plant No. 1. 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, 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 certain employees of the Company, on the ground that the unit sought by the Union is inappropriate.

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.¹

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 asserts that the appropriate unit consists of all production and maintenance employees, excluding clerical and supervisory employees at Plant No. 1 of the Company at Columbia, Tennessee. The Company claims that similar employees at its two plants at Columbia constitute an appropriate unit.

There are approximately 261 employees at Plant No. 2 and 208 at Plant No. 1. The plants are approximately 1 mile apart and 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 of sufficient size to meet the requirements of each plant are maintained at both. Interchange of personnel between the plants as a rule does not occur, although during times of emergency there is some interchange. We have heretofore held that the employees at Plant No. 2 constitute an appropriate unit.² We

¹ The Field Examiner reported that the Union submitted 106 designation cards and that 261 employees are in the alleged appropriate unit. At the hearing the Company's counsel stated that only 208 employees are in the alleged appropriate unit.

² *Matter of Dixie Manufacturing Company, Inc.*, 54 N. L. R. B. 384.

see no reason why the employees at Plant No. 1 alone at the present time may not constitute an appropriate unit.

We find that all production and maintenance employees at Plant No. 1 of the Company at Columbia, Tennessee, excluding clerical 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 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 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 Amalgamated Clothing Workers 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.