

In the Matter of GASTONIA COMBED YARN CORPORATION and GASTON TEXTILE COUNCIL, CHARTERED BY UNION TEXTILE WORKERS OF AMERICA, (AFL)

*Case No. 5-R-1330.—Decided March 20, 1944*

*Mr. Clyde R. Hoey*, of Shelby, N. C., and *Mr. George B. Mason*, of Gastonia, N. C., for the Company.

*Mr. J. L. Hamme*, of Gastonia, N. C., for the Union.

*Mr. Joseph E. Gubbins*, of counsel to the Board.

## DECISION

AND

## ORDER

### STATEMENT OF THE CASE

Upon a petition duly filed by Gaston Textile Council, chartered by United Textile Workers of America, (AFL), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Gastonia Combed Yarn Corporation, Gastonia, North Carolina, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George L. Weasler, Trial Examiner. Said hearing was held at Gastonia, North Carolina, on February 10, 1944. The Company and the Union appeared, participated, and 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

Gastonia Combed Yarn Corporation is a North Carolina corporation located at Gastonia, North Carolina, where it is engaged in the manufacture and sale of combed, mercerized and dyed yarn. The

Company's operations are conducted in three plants, known as the Armstrong, Dunn, and Clara mills. The Clara mill is the only one involved in this proceeding. Annually, the Company uses raw material, consisting principally of cotton, valued at \$1,000,000, approximately 80 percent of which is shipped to the Company's mills from points outside the State of North Carolina. The Company annually manufactures finished products valued at \$4,500,000, approximately 70 percent of which is shipped to points outside the State of North Carolina.

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

## II. THE ORGANIZATION INVOLVED

Gaston Textile Council, chartered by 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 ALLEGED APPROPRIATE UNIT

There is no history of collective bargaining with the Company. The Union desires a unit comprised of all production employees engaged in cone winding, tube winding, skein winding, clock winding, reeling, warping, gassing, gyco, quilling, mercerizing, dyeing, and packing, in the "finishing plant" situated in the first and second additions to the basement of the Company's Clara mill, excluding all other production employees of the Company, and all maintenance, clerical, and supervisory personnel. However, the Company contends that the appropriate bargaining unit should be composed of all production and maintenance employees of its three mills, excluding clerical and supervisory employees. The Company further contends that the unit sought by the Union is in any case inappropriate for the reason that it excludes employees engaged in the same operations as certain of the employees whom the Union would include.

The Clara mill was originally constructed in "L" shape with a ground floor and basement. Prior to September 1939, the Company's finishing operations were conducted in one wing of this basement. Subsequent to that date, the Company built two extensions to the basement, known as the first and second additions,<sup>1</sup> and at present these additions are being used for certain finishing operations and other functions incidental thereto.

As noted above, the Union is seeking to represent production employees engaged in specified operations who work in the first and second additions. It appears that employees are engaged in cone wind-

<sup>1</sup> In its petition, the Union referred to the first and second additions to the Clara mill basement as the last and next to the last extensions.

ing and quilling not only in the first and second additions, but also in the old "L" portion of the Clara mill's basement. Moreover, despite the fact that mercerized yarn winding operations and packing and shipping of natural yarn take place in the first and second additions, the first of these operations is also performed in the Dunn mill and the second at both the Dunn and Armstrong mills. It also appears that the Union wishes to include employees working in clock winding, reeling and gyco operations. Yet, the record discloses that none of these operations is performed in the first and second additions. They are all conducted, in fact, in the "L" section of the Clara mill's basement, reeling being also performed on the ground floor of that mill.

Evidence was adduced by the Company to the effect that although some skill is needed to operate quilling machines, no particular skill is required to operate mercerizing and dyeing machines. It adduced further evidence to show that the machines used in the first and second additions for winding finished yarn are the same types of machines used in the other mills for winding unfinished or natural yarn. There is also some evidence that employees engaged in finishing operations in the first and second additions are transferred to different operations in each of the Company's mills.

From the foregoing facts, it is apparent that the unit which the Union seeks is not restricted to employees who comprise a department. The employees it desires to represent are actually engaged throughout all the Company's mills. Furthermore, these employees do not form a well-defined craft and there is no evidence to show that their duties are sufficiently distinguishable from those of the remainder of the Company's production employees to establish them as a separate appropriate unit. We find that the unit sought by the Union is inappropriate for the purpose of collective bargaining.

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as indicated in Section III, above, the unit sought by the Union is inappropriate, we find that no question affecting commerce has arisen concerning the representation of employees of the Company within an appropriate unit.

#### ORDER

Upon the basis of the above findings of fact and the entire record in this proceeding, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Gastonia Combed Yarn Corporation, Gastonia, North Carolina, filed by Gaston Textile Council, chartered by United Textile Workers of America, (AFL), be, and it hereby is, dismissed.