

IN THE MATTER OF COGGINS GRANITE AND MARBLE INDUSTRIES, INC.  
D/B/A GEORGIA GRANITE COMPANY and UNITED STONE AND ALLIED  
PRODUCTS WORKERS OF AMERICA, CIO

*Case No. 10-R-1101.—Decided April 7, 1944*

*Mr. Olin O. Rambo*, of Elberton, Ga., for the Company.

*Mr. J. B. Foreman*, of Martinsburg, W. Va., for the CIO.

*Mr. W. B. Nixon*, of Atlanta, Ga., for the Operating Engineers.

*Mr. William C. Baisinger, Jr.*, of counsel to the Board.

DECISION  
AND  
DIRECTION

STATEMENT OF THE CASE

On January 8 and 27, 1944, respectively, United Stone and Allied Products Workers of America, CIO, herein called the C. I. O., filed with the Regional Director for the Tenth Region (Atlanta, Georgia), a petition and an amended petition alleging that a question affecting commerce had arisen concerning the representation of employees of Coggins Granite and Marble Industries, Inc., d/b/a Georgia Granite Company, herein called the Company, which is engaged at Elberton, Georgia, in the granite finishing business, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act. Thereafter, on February 4, 1944, the C. I. O., the Company, and International Union of Operating Engineers, A. F. of L., herein called the Operating Engineers, entered into a "Stipulation for Certification upon Consent Election" which was approved by the Acting Regional Director for the Tenth Region on February 5, 1944.

Pursuant to the stipulation, an election by secret ballot was conducted on February 11, 1944, under the direction and supervision of the Acting Regional Director, among "all mechanics, mechanic's helpers, boxers, crane operators, bed-setters, lumpers, tool boys, and laborers (including truck drivers), employed at the Company's sheds at Elberton, Georgia," to determine whether they desired to be represented by the C. I. O., the Operating Engineers, or neither. There

after, the "Tally of Ballots" was duly served upon the parties, in accordance with the Rules and Regulations of the Board.

As to the balloting and its results, the "Tally of Ballots" shows as follows:

Approximate number of eligible voters.....	50
Valid votes counted.....	47
Votes cast for International Union of Operating Engineers.	
A. F. L.....	23
Votes cast for United Stone and Allied Products Workers of America, C. I. O.....	24
Votes cast against participating unions.....	0
Challenged ballots.....	2
Void ballots.....	0

The two challenged ballots are sufficient to affect the results of the election. Accordingly, the Regional Director investigated the challenges and on March 14, 1944, issued and duly served upon the parties his "Report on Challenged Ballots" in which he recommends that the challenges to the ballots of D. C. Craft and Julian Manley be overruled and that the ballots be counted.

No exceptions to the Regional Director's "Report on Challenged Ballots" have been filed by any of the parties within the time provided therefor.

Upon the basis of the facts reported by the Regional Director, the Board, acting pursuant to Article III, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3, hereby makes the following:

#### FINDINGS OF FACT

##### Eligibility of D. C. Craft and Julian Manley

(1) D. C. Craft is employed by the Company as a saw helper. He is engaged in the operation of one of the three saws operated by the Company. The Company employs four saw helpers, including Craft, and the other three voted without challenge. Craft's duties involve the setting of all three saws, and the repair of minor defects in any of the saws. One of Craft's duties is to transmit orders from the chief sawyer, or foreman, to the other three saw helpers. He has some responsibility to see that these orders are executed. However, Craft has no power to hire or discharge, and cannot effectively recommend hire, discharge, or transfer of employees. It appears that, before hiring new employees, the chief sawyer, or foreman, consults Craft and the other saw helpers about the experience or capability of the applicants. However, it does not appear that the chief sawyer consults any one of the saw helpers more than he does the other, or that their recommendations are given great weight.

Although the classification, saw helper, was not specifically included within the definition of the unit set forth in the aforementioned stipulation, the parties' discussion of the unit prior to the election indicates that it was their intent to include the classification, saw helper, within the appropriate unit. It appears that the classification, saw helper, has not been covered by the bargaining contract between the Company and Granite Cutters International Association, A. F. of L., but has been covered by the contract between the Operating Engineers and the Company, and that it was the intent of the parties to include within the appropriate unit for the purposes of the election all employees covered by the latter contract. In view of the foregoing findings of fact, we accept the Regional Director's recommendation in regard to the ballot of D. C. Craft, and shall direct that his ballot be opened and counted.

(2) Julian Manley is employed by the Company as a utility laborer. He is engaged in delivering patterns to the cutters, and collecting them from the cutters and refiling them in the Company's office. He has, on occasion, aided the sand blasters, built fires, helped the tool boys, and performed various other miscellaneous duties. It is clear that Manley is not a supervisory employee within our customary definition. It is also clear that he is neither an office employee nor a clerical worker and falls within the classification "laborer" included in the stipulated unit. Consequently, in accordance with the Regional Director's recommendation, we shall direct that the ballot cast by Julian Manley be opened and counted.

#### DIRECTION

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, Sections 9 and 10, 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 Coggins Granite and Marble Industries, Inc., d/b/a Georgia Granite Company, Elberton, Georgia, the Regional Director for the Tenth Region (Atlanta, Georgia), shall, pursuant to the Rules and Regulations of the Board, and subject to Article III, Section 10, of said Rules and Regulations, within ten (10) days from the date of this Direction, open and count the ballots of D. C. Craft and Julian Manley and shall, thereafter, prepare and cause to be served upon the parties in this case a "Supplemental Tally of Ballots," embodying his findings therein and his recommendations as to the results of the secret ballot.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.