

In the Matter of SARATOGA VICTORY MILLS, INC. and TEXTILE WORKERS
UNION OF AMERICA, C. I. O.

Case No. 10-R-1162.—Decided May 6, 1944

Messrs. Francis Lynch and A. H. Baugh, of Albertville, Ala., and Mr. A. B. McCormick, of Guntersville, Ala., for the Company.

Mr. H. S. Williams, of Birmingham, Ala., Mr. W. E. Jones, of Albertville, Ala., and Mr. Houston Troupe, of Alabama City, Ala., for the Union.

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

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by Textile Workers Union of America, affiliated with the C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Saratoga Victory Mills, Inc., Albertville, Alabama, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John H. Garver, Trial Examiner. Said hearing was held at Albertville, Alabama, on April 11, 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 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

Saratoga Victory Mills, Inc., a Delaware corporation, operates a plant at Albertville, Alabama, where it is engaged in the manufacture, sale, and distribution of cotton twill and cotton sateens. During the

year 1943, the Company purchased raw materials valued in excess of \$550,000, for use in its Albertville plant, all of which were shipped to the plant from points outside the State of Alabama. During the same period, finished products valued in excess of \$1,150,000, were manufactured at the Albertville plant, all of which were shipped to points outside the State of Alabama.

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, is a labor organization affiliated with the Congress of Industrial Organizations, 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 its production and maintenance employees until the Union has been certified by the Board.

A statement prepared by a Field Examiner, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be 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 parties stipulated and we find that all production and maintenance employees at the Albertville, Alabama, plant of the Company, excluding clerical, office, and salaried employees, executives and supervisory employees who have 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 (c) 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. Although the Union requested that

¹ The Field Examiner reported that the Union submitted 143 application-for-membership cards bearing names of persons whose names appear on the Company's pay roll of March 25, 1944; there are approximately 356 employees in the unit alleged by the Union to be appropriate.

eligibility to vote be determined by the Company's pay roll of March 25, 1944, no reason appears for departing from our customary practice. Accordingly, those eligible to vote shall be employees 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.²

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 Saratoga Victory Mills, Inc., Albertville, Alabama, 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 any 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 C. I. O., for the purposes of collective bargaining.

² The Union has waived the right to object to any election directed herein on the basis of charges filed in Case No. 10-C-1530.