

In the Matter of THE CUDAHY PACKING COMPANY, ALBANY, GEORGIA
and UNITED PACKINGHOUSE WORKERS OF AMERICA, CIO

Case No. 10-R-1182.—Decided May 27, 1944

Bennet, Peacock, & Perry, by Messrs. Sam S. Bennet and M. B. Peacock, and Messrs. C. R. Epperson and E. E. Clark, all of Albany, Ga., for the Company.

Mr. G. R. Hathaway, of Atlanta, Ga., for the Union.

Mrs. Catherine W. Goldman, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Packinghouse Workers of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Cudahy Packing Company, Albany, Georgia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before T. Lowry Whitaker, Trial Examiner. Said hearing was held at Albany, Georgia, on May 17, 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

Cudahy Packing Company, a Maine corporation operating throughout the United States, maintains a plant at Albany, Georgia, the only plant involved in this proceeding. The Cudahy Packing Company of Albany, Georgia, is engaged principally in the purchasing,

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slaughtering, and processing of cattle, calves, and hogs. During 1943, the Company purchased about 200,000 hogs, 21,000 cattle, and 5,000 calves. Approximately 75 percent of the purchases originated outside the State of Georgia. During the same year, the Company shipped in interstate commerce approximately 50 percent of its products. It sold approximately 65 percent of its beef and 15 to 20 percent of its pork, to the Army and Navy.

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

II. THE ORGANIZATION INVOLVED

United Packinghouse 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 its employees.

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 requests a unit covering all employees of the Company, exclusive of watchmen, salesmen, canteen clerk, plant clerks, office employees, executives, general superintendent and manager, assistant general superintendent and time-study man, departmental superintendents, and assistant departmental superintendents. The Company is in general agreement with the foregoing unit, but objects to the inclusion of certain maintenance men, discussed below.

Carpenter-millwright. This employee is engaged solely in repair work; he assists electricians and machinists, and performs some carpenter work. He is paid on an hourly basis as are the other production and maintenance employees. We shall include the carpenter-millwright in the unit.

Firemen. The Company employs three firemen in the engine room, who perform the duties customarily assigned to such employees. We shall include the firemen in the unit.

¹ The Field Examiner reported that the Union submitted 107 application cards dated April 1944, and that there are 150 employees in the unit requested

Chief engineer. The chief engineer is in charge of the Company's engineers. He is employed upon a weekly salary basis, and supervises the work of about eight men. He has authority to recommend hire and discharge. We shall exclude the chief engineer.

Shift engineers. The Company employs two shift engineers who are in complete charge of the engine room during the shift they are on duty. They supervise the work of the firemen under them, and possess authority to recommend hire, discharge, and promotion. We shall exclude the shift engineers.

Chief electrician and chief machinist. The chief electrician is in charge of all electrical work; the chief machinist is in charge of all machinery repairs. It appears that these employees have supervisory authority within our customary definition. We shall exclude them from the unit.

We find that all employees of the Company, including the carpenter-millwright and firemen, but excluding watchmen, salesmen, canteen clerk, plant clerks, office employees, chief engineer, shift engineers, chief electrician, chief machinist, executives, general superintendent and manager, assistant general superintendent and time-study man, departmental superintendents, assistant departmental superintendents, and all other 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.

The Union requests that its name appear on the ballot as United Packinghouse Workers of America, CIO. The request is hereby granted.

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 The Cudahy Pack-

ing Company, Albany, 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 United Packinghouse Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.