

In the Matter of INDUSTRIAL RAYON CORPORATION and TEXTILE WORKERS
UNION OF AMERICA, LOCAL 202, C. I. O.

Case No. 5-R-1319

SUPPLEMENTAL DECISION

AND

AMENDED DIRECTION OF ELECTION

June 26, 1944.

On May 15, 1944, the Board issued a Decision and Direction of Election in the above-entitled proceeding¹ finding that the section inspectors in the Company's Covington, Virginia, plant, may, if they so desire, form a part of the bargaining unit presently represented by the Textile Workers Union of America, Local 202, affiliated with the Congress of Industrial Organizations, herein called the Union, and directing that an election by secret ballot be conducted among the Company's section inspectors for the purpose of determining whether or not they desire to be represented by the Union as part of such unit. Thereafter, on June 3, 1944, the Company filed with the Board a motion to reconsider and request for oral argument in which it alleged that there is an inconsistency between the Decision and the Direction of Election, that certain of the Board's findings in the said Decision are unsupported in the record, and that the conclusions therein with respect to the status of the section inspectors, including the head inspector in the cone packing department, are contrary to the record. The Company argues, *inter alia*, that the employees in question are supervisory employees with authority effectively to recommend changes in employee status.

The Board, having considered the Company's motion and the entire record, is satisfied that the findings and conclusions in the aforementioned Decision and Direction of Election are in accord with the evidence and sees no reason to reverse or alter them.² While it is true that certain section inspectors supervise the work of the pro-

¹ 56 N. L. R. B. 547. An amendment to the Direction of Election extending by 15 days the time within which the election is to be held was issued on June 8, 1944.

² Contrary to the Company's assertion, our finding that the 19 section inspectors in its employ have essentially the same functions and authority is based upon a stipulation by the parties at the hearing.

duction employees to some degree, they cannot be said to have disciplinary authority with respect to these employees. Their responsibility extends merely to relaying orders from the foremen, setting up the machines, and observing whether the operators' hands are in proper condition, whether the machines are being operated according to specifications and whether the work is proceeding according to the standardized procedures. We do not infer merely from these facts respecting the duties, functions, and responsibility of the section inspectors that they are supervisory employees possessing such power and authority as would require their exclusion from any bargaining unit.

The Company's assertion that the section inspectors have the power to "effectively recommend disciplinary action" when reporting operators' errors to their foremen, and that it has discharged employees directly as a result of the recommendations of section inspectors, is not borne out by the evidence. In all the instances referred to in the record where reports by section inspectors set in motion the train of events leading to discharge or disciplinary action, it is clear that the foremen to whom the inspectors made their reports personally investigated the matters in question and based their recommendations to superiors on their personal observations. There is no reliable evidence showing that the section inspectors do in fact make recommendations relating to disciplinary or other corrective measures, when reporting errors or violations to their foremen. The record discloses that section inspectors have not been consulted after advising their foremen of faulty work. We conclude, therefore, that the section inspectors do not make "effective" recommendations with respect to discipline or changes in the status of employees.

In consideration of the foregoing, as well as the findings and conclusions set forth in our original Decision herein, and the entire record in the case, we find that the section inspectors in the Company's employ, including the head inspector in the cone packing department, are not supervisory employees having the power to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action. The Company's motion to reconsider and its request for oral argument are accordingly hereby denied.

In view of the foregoing findings, it is evident that the phrase contained in our original Direction of Election herein providing that "any supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action" are excluded from participation in the election, is superfluous. We shall amend our Direction of Election by deleting said phrase and, in addition, we

shall provide in our Amended Direction that the time within which the election is to be held shall be extended by an additional fifteen (15) days, and that the pay-roll period used to determine eligibility to participate therein shall be that last preceding the date of this Supplemental Decision and Amended Direction of Election.

AMENDED 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 Industrial Rayon Corporation, Covington, Virginia, an election by secret ballot shall be conducted as early as possible, but not later than July 15, 1944, under the direction and supervision of the Regional Director for the Fifth 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 section inspectors, including the head inspector in the cone packing department, who were employed by the Company during the pay-roll period immediately preceding the date of this Amended Direction, including any such employees who did not work during the said pay-roll period because they were ill or on vacation or temporarily laid off, and further including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any 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 Textile Workers Union of America, Local 202, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.