

In the Matter of GASTONIA COMBED YARN CORPORATION, GASTONIA
THREAD CORPORATION, AND GASTONIA PROCESSING COMPANY and
UNITED TEXTILE WORKERS OF AMERICA (A. F. L.)

Case No. 5-R-1555.—Decided June 30, 1944

Mr. George V. Mason, of Gastonia, N. C., for the Companies.

Mr. Nick Collins, of Gastonia, N. C., for the Union.

Mr. Joseph C. Wells, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Textile Workers of America (A. F. L.), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Gastonia Combed Yarn Corporation, Gastonia Thread Corporation, and Gastonia Processing Company, all of Gastonia, North Carolina, and herein collectively called the Companies, 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 May 15, 1944. The Companies and the Union appeared and participated. All parties were afforded full opportunity to be heard, to examine, and cross-examine witnesses, to introduce evidence bearing on the issues, and to file briefs with the board. At the hearing, the Companies moved that the petition be dismissed on the ground that the Union does not represent a substantial number of employees in the unit hereinafter found appropriate. The Trial Examiner reserved ruling upon the above-mentioned motion of the Companies. For reasons indicated in Section III, *infra* the motion is hereby denied. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANIES

Gastonia Combed Yarn Corporation is a North Carolina corporation engaged in the manufacture and sale of combed, carded, and mercerized yarns. The operations of the Company are conducted in three buildings, known as the Armstrong, Dunn, and Clara mills. Annually, the corporation uses raw materials, consisting principally of cotton, valued at approximately \$1,000,000, of which about 80 percent is shipped to the corporation from points outside the State of North Carolina. The corporation manufactures annually products having an approximate value of \$4,500,000, of which about 70 percent is shipped to points outside the State.

Gastonia Thread Corporation is a North Carolina corporation, engaged in the manufacture and sale of cotton thread. The raw materials used consist of cotton yarn manufactured by Gastonia Combed Yarn Corporation and other concerns. During the past year, the corporation purchased cotton yarn having a total value of about \$900,000 from Gastonia Combed Yarn Corporation, and cotton yarn having a total value of about \$100,000 from places outside the State of North Carolina. During this period, the corporation shipped finished products having a total value in excess of \$1,000,000 to points outside the State. The corporation conducts its operations in the basement of the Clara mill, owned by Gastonia Combed Yarn Corporation.

Gastonia Processing Company is a North Carolina corporation, engaged in the manufacture and sale of dyed and dyed-mercerized yarns. During the past year, the Company purchased raw materials having a total value of about \$1,000,000, of which approximately 40 percent came from mills outside the State of North Carolina, and sold finished products having a total value in excess of \$1,000,000, of which about 95 percent was shipped outside the State of North Carolina. The corporation conducts its operations in the basement of the Clara mill.

The Companies operate as an integrated enterprise and employees are subject to a unified, common, and integrated control, established and enforced by Gastonia Combed Yarn Corporation. For general supervisory purposes, the employees of all the Companies are treated as a unified group. The officers of Gastonia Combed Yarn Corporation hold identical offices in Gastonia Thread Corporation and Gastonia Processing Company.

We find that the Companies are engaged in commerce, and that they constitute a single employer; within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Textile Workers of America, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Companies.

III. THE QUESTION CONCERNING REPRESENTATION

The Companies have refused to grant recognition to the Union as the exclusive bargaining representative of their employees until the Union has been certified by the Board in an appropriate unit.

A statement of the Field Examiner, introduced into evidence at the hearing, and a statement of the Trial Examiner,¹ indicate that the Union represents a substantial number of employees in the unit hereinafter found appropriate.²

We find that a question affecting commerce has arisen concerning the representation of the employees of the Companies, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The parties agree that a unit comprising the production and maintenance employees of all three Companies is appropriate for bargaining. The record is ambiguous as to whether the parties desire to include or exclude two watchmen employed by Gastonia Combed Yarn Corporation. Inasmuch as there is no apparent reason for their exclusion, we will include them in the unit.

In accordance with the desires of the parties and the record, we find that all production and maintenance employees of the Companies, including the chemist³ and watchmen, but excluding the electrician,⁴ the master mechanic, the head shipping clerk, armed guards, all clerical employees, supervisory employees of the rank of section hand and

¹ This statement, for which an exhibit was received by agreement of all parties, was prepared by the Trial Examiner after the hearing. It is hereby admitted into evidence.

² The Field Examiner reported that the Union submitted 595 application cards which bore apparently genuine signatures, and that the names of 299 persons appearing on the cards were contained in a list of employees submitted by the Companies in the unit claimed by the Union. At the hearing, the Union submitted 41 additional application cards to the Trial Examiner. The Trial Examiner reported that these cards bore apparently genuine signatures, and that 35 of the cards bore names of employees who appear on the list. Of the 334 cards found to bear names of employees of the Companies, 60 are dated in 1942, 56 dated January to June 30, 1943, 88 dated July to December 31, 1943, 128 dated January to May 1944, and 2 undated. The unit hereinafter found appropriate contains approximately 1,118 employees. Thus the Union has shown that it represents approximately 30 percent of the Companies' employees and we have, accordingly, overruled the Companies' motion to dismiss the petition on the ground of insufficient showing.

³ The chemist is an hourly-paid employee, recruited from the regular factory hands, who mixes dyes according to set formulas. She possesses no particular skill or training such as would make her status materially different from other production employees.

⁴ The electrician does general electrical maintenance work, and, when necessary, supervises a crew of men in setting up machinery.

above, and all supervisory employees with the 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.⁵

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 Gastonia Combed Yarn Corporation, Gastonia Thread Corporation, and Gastonia Processing Company, 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 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 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 Textile Workers of America, Local 12, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

⁵ At the hearing the Union requested that it be designated on the ballots as "United Textile Workers of America, Local 12, A. F. of L."