

In the Matter of NEWNAN COTTON MILLS *and* TEXTILE WORKERS UNION  
OF AMERICA, C. I. O.

*Case No. 10-R-1224.—Decided August 4, 1944*

*Mr. R. O. Jones*, of Newnan, Ga., for the Company.

*Mr. Horace White*, of Atlanta, Ga., for the Union.

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

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Textile Workers Union of America (CIO), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Newnan Cotton Mills, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before T. Lowry Whittaker, Trial Examiner. Said hearing was held at Newnan, Georgia, on June 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

Newnan Cotton Mills is a Georgia corporation engaged in the manufacture and sale of cotton, rayon, wool, and mixed fibre textiles. The Company has its office at Newnan, Georgia, and operates two mills—, one located at Newnan, and the other located 2 miles from the first

and outside the corporate limits of Newnan.<sup>1</sup> During the past year the Company purchased raw materials having a total value in excess of \$2,000,000, of which approximately 75 percent was shipped to the Company from points outside the State of Georgia. During the same period, the Company sold products totaling in value more than \$2,000,000, of which approximately 90 percent represents shipments to places outside the State.

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, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

## III. THE ALLEGED APPROPRIATE UNIT

The Union contends that production and maintenance employees of the Company at Mill No. 2, excluding executives, militarized guards, technical, clerical, and supervisory employees, constitute an appropriate unit. The Company contends that the proposed unit is inappropriate and that employees at Mills No. 1 and No. 2 constitute a single appropriate unit.

The Company operates two mills. Mill No. 1 is located in Newnan, Georgia, and Mill No. 2 is located outside Newnan, approximately 2 miles from Mill No. 1. Natural and dyed yarns are produced at Mill No. 1, and shipped directly to customers or to Mill No. 2 to be woven into fabrics. Yarns and woven fabrics are produced at Mill No. 2, which has no facilities for dyeing. Therefore, yarn produced at Mill No. 2 is sometimes shipped to Mill No. 1 to be dyed. A machine shop and a blacksmith shop are located at each mill. Gear cutting machinery for both mills is located at Mill No. 2.<sup>2</sup> The shaper and milling machines, utilized by both mills, are located at Mill No. 1.<sup>3</sup> Mill No. 1 has a greater capacity than Mill No. 2 for the blending of cotton and wool fiber. At present, therefore, about 25 percent of such blending for Mill No. 2 is performed at Mill No. 1. Some of the raw material used at Mill No. 1 is stored at Mill No. 2. The Company

<sup>1</sup> The mill in Newnan is designated as Mill No. 1, and the other as Mill No. 2, and are thus referred to herein.

<sup>2</sup> The machinery used requires many change gears for changing the twists and sizes of yarns being produced. Inasmuch as these gears are made of cast iron, frequent replacement is necessary.

<sup>3</sup> The shaper is used in shaping or planing the mill parts, which are purchased in the rough and finished before being attached to a machine. The milling machine is used for cutting the slots or other irregular indentations in metal, such as cutting keyways and shafts.

operates six trucks to haul materials between the two mills, to transport supplies for company-owned houses, and to transport materials between the mills and the railroad. Both mills obtain water from a water system maintained by the Company for its use. All administrative and clerical functions for both mills are performed at the Company's office which is located a few yards outside the gate of Mill No. 1. Finished products are generally shipped from the mill which completed the final operation in the manufacturing process.

A general manager is in charge of operations and labor control at both mills. However, each mill has its superintendent who has the authority to hire and discharge subject to the review of the general manager. The Company's pay roll is arranged so that it identifies the department and mill in which the employees included thereon have worked during the pay-roll period. Temporary transfers of employees from one mill to another were negligible during the past year. The Company owns a group of houses in Newnan where employees working at Mill No. 1 are housed, and another group of houses near Mill No. 2, where employees working at Mill No. 2 are housed. However, some of the employees at both mills do not live in any of these houses, and some employees working at Mill No. 2 live in the houses in Newnan while others working at Mill No. 1 live in the houses near Mill No. 2.

A union witness testified to the effect that the Union began organization of employees working at Mill No. 2 during the latter part of April 1944, and that the Union accepted membership cards only from employees working at Mill No. 2. Further, his testimony was to the effect that the Union informed employees working at Mill No. 1 that organization at Mill No. 1 would not be attempted by the Union until after an election had been held among employees working at Mill No. 2. The Union submitted 224 authorization cards, all of which were dated April 1944. There are approximately 420 employees in the unit for which the Union petitioned. Thus it appears that between the date that organization of employees working at Mill No. 2 began and the date of the hearing, a period of less than 6 weeks, more than 50 percent of the employees at Mill No. 2 purportedly became members of the Union. There is nothing in the record to indicate that organization of employees at Mill No. 1 would not succeed and progress similarly, if attempted.<sup>4</sup>

In view of the functional inter-relation of the Company's operations in its two mills, and particularly the inchoate state of organization,<sup>5</sup> we find that the unit proposed by the Union is inappropriate. We

<sup>4</sup> Cf. *Matter of Standard Overall Company*, 53 N. L. R. B. 960, and cases cited in support thereof

<sup>5</sup> See *Matter of Metal Office Furniture Company*, 51 N. L. R. B. 993; *Matter of Harry M. Sensenich, et al*, 55 N. L. R. B. 566; *Matter of Terrell Machine Co*, 57 N. L. R. B. 275.

shall, therefore, dismiss the petition herein without prejudice. Our finding concerning the unit alleged in the present petition, however, does not preclude the reinvestigation by the Board of the appropriateness of a similar unit upon a new petition supported by a showing of material changes in the circumstances which underlie our Decision herein.<sup>6</sup>

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since the bargaining unit sought to be established by the petition is not appropriate as found in Section III, above, we find that no question has arisen concerning representation of employees of the Company, within the meaning of Section 9 (c) of the National Labor Relations Act.

#### ORDER

IT IS HEREBY ORDERED that the petition for investigation and certification of representatives of employees of Newnan Cotton Mills, Newnan, Georgia, filed herein by Textile Workers Union of America, C. I. O., be, and it hereby is, dismissed.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Order.

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<sup>6</sup> See *Matter of Kentucky Fluorspar Company*, 52 N. L. R. B. 227.