

In the Matter of ATHENS MANUFACTURING COMPANY and TEXTILE
WORKERS' UNION OF AMERICA, C. I. O.

Case No. 10-R-1244.—Decided August 5, 1944

Messrs. William L. Erwin and Oscar D. Grimes, of Athens, Georgia,
for the Company.

Mr. Horace White, of Atlanta, Georgia, for the Union.

Miss Ruth Rusch, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Textile Workers Union of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Athens Manufacturing Company, Athens, Georgia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Paul S. Kuelthau, Trial Examiner. Said hearing was held at Athens, Georgia, on July 5, 1944. The Company and the Union appeared and participated.¹ 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

Athens Manufacturing Company is a Georgia corporation engaged in the manufacture of sheeting, tire cord, and spun rayon fabrics. The

¹ On July 15, 1944, the Company filed a motion to have certain minor and typographical errors in the transcript of the hearing corrected. On July 17, 1944, all parties were notified of the Company's motion and were given an opportunity to file objections to the granting of the motion on or before July 24, 1944. No objections to the Company's motion having been filed, the motion is hereby granted. The record is hereby ordered to be, and is, corrected to comply with the Company's motion.

Company purchases raw materials consisting of rayon and cotton amounting to approximately \$2,000,000 in value annually, of which 80 percent is shipped from States other than the State of Georgia. The finished products of the Company amounting to about \$3,000,000 in value annually are shipped to customers outside the State of Georgia.

We find that the Company 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 employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates 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 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 Company maintains and operates a mill, which is its main plant, and a hydroelectric power plant and a warehouse,³ which are auxiliary facilities. There are approximately 800 employees at the mill, 3 at the power plant, and 14 at the warehouse.

The Company and the Union agree that production and maintenance employees at the Company's main plant should be included within the bargaining unit and all executives, technical employees, office employees, and supervisory employees should be excluded therefrom. The Company and the Union disagree with respect to the inspectors at the main plant, watchmen, warehouse employees, and power plant employees, all of whom the Union would include in the unit and the Company would exclude.

The inspectors work in the cloth room at the mill, where finished goods are baled, weighed, and packed for shipment, under the fore-

² The Field Examiner reported that the Union submitted 573 apparently valid application for membership cards. The Company listed the names of 810 employees in the appropriate unit on its pay roll of June 1944. There were 555 cards dated June 1944; 18 were undated.

³ The warehouse is commonly known as the Old Southern Mill.

man of the cloth room. It is the duty of the inspectors to find defects in finished products. When a defect is found, the inspectors notify the foreman of the department in which the defect occurred. Tire cord inspectors are paid slightly more than production employees while other inspectors are paid at the same rate as production employees. The inspectors have no supervisory functions or authority over production employees.

The watchmen are engaged mainly in fire prevention, touring both the mill and power plant at night for that purpose. They receive the wage rate paid to unskilled employees in the Company's main plant. They are under the master mechanic and have no supervision over any of the Company's employees. The watchmen are neither deputized nor militarized. For the most part, they are elderly men formerly employed as production workers. Since the Union has included both inspectors and watchmen in its organizational drive and since it is the only organization seeking to represent these employees, we see no reason to exclude them from the appropriate unit including other production and maintenance employees at the mill.⁴

The Company's hydroelectric power plant is 1 mile from its mill. Electricity generated at the plant is used at the mill, supplementing the energy bought from outside sources. The three power plant employees work on 8-hour shifts and are under the supervision of the master mechanic at the mill. We see no reason to exclude the power men, who constitute part of the Company's maintenance force, and we shall include them in the unit.

The warehouse is 3 miles from the main plant. The employees at the warehouse keep the premises in repair, and some act as watchmen. The warehouse employees are under the direct supervision of the warehouse foreman, who is under the manager of the mill. They work the same hours and are paid at the same wage rates as the maintenance men at the main plant. The Union admits these employees to membership and has solicited them in its present organizing drive. Under these circumstances, we shall include them in the bargaining unit.

In accordance with the agreement of the parties and the foregoing conclusions, we find that all production and maintenance employees of the Company at its plant at Athens, Georgia, including the employees at the warehouse and the hydroelectric plant, and including inspectors and watchmen, but excluding executives, technical employees, office employees, and all 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.

⁴ *Matter of United Wallpaper Factories, Inc.*, 49 N L R B 1423; *Matter of Pittsburgh Limestone Corporation*, 53 N L R B 810

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.

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, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Athens Manufacturing Company, Athens, 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 the 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 Textile Workers Union of America C. I. O., for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.