In the Matter of Mandeville Mills, Inc. and Textile Workers Union of America, C. I. O.

Case No. 10-R-1264.—Decided October 26, 1944

Boykin & Boykin, by Mr. Shirley C. Boykin, and Mr. F. M. Kimble, Jr., of Carrollton, Ga., for the Company.

Messrs. W. F. Barker and H. W. Denton, of Atlanta, Ga., and Mr. J. D. Smith, of Carrollton, Ga., for the Union.

Mr. Julius Kirle, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended 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 Mandeville Mills, Inc., Carrollton, Georgia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Mortimer H. Freeman, Trial Examiner. Said héaring was held at Carrollton, Georgia, on September 14, 1944. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduced 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

Mandeville Mills, Inc., is a Georgia corporation with its principal plant and place of business at Carrollton, Georgia, where it operates two cotton spinning mills, a cotton gin, an oil mill, and a bonded warehouse. The Company operates nine other cotton gins within 58 N. L. R. B., No. 248.

Carroll County, Georgia, and also one cotton gin located in the adjoining State of Alabama. During the past 12 months, the Company purchased raw material consisting of about 16,000 bales of cotton valued in excess of \$1,000,000, of which approximately 25 percent was received from points outside the State of Georgia. During the same period, the Company manufactured and produced at its Carrollton Mills approximately 7,000,000 pounds of cotton yarn valued in excess of \$2,000,000, of which approximately 85 percent was shipped to points outside that State. The Company also purchased raw materials consisting of cottonseed, rayon staple, peanuts, and soy beans; approximately 50 percent of the cottonseed came from points outside the State.

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

II. THE ORGANIZATION INVOLVED

Textile Workers Union of America, C. I. O., 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 certain of the Company's employees until the Union has submitted proof that it represents a majority of the 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 seeks a unit of all production and maintenance employees of the Company's Carrollton Nos. 1 and 2 Mills, including dye house employees, second hands, watchmen, yardmen, truckers, packers (excepting the head packer), firemen, and maintenance crew, but excluding clerical employees, the head packer, foremen, and

¹The Field Examiner reported that the Union submitted 509 cards, 487 of which were dated July 1944, 21 in August 1944, 1 was undated, and that there are 659 employees in the claimed appropriate unit

² The parties agree, and we find that the employees classified as second hands do not come within the Board's definition of supervisory employees

³ The maintenance crew is composed of electricians, machinists, carpenters, pipe fitters, and plumbers, whose headquarters are located in the machine shop connected with the Nos 1 and 2 Mills

supervisory employees of the rank of overseer 4 and above. The Company on the other hand seeks a company-wide unit and would include the production and maintenance employees of the Company's cotton gins, oil mill, and bonded warehouse in the unit sought by the Union.

The Company operates two cotton spinning mills known as Nos. 1 and 2 Mills, a dye house, cotton gin, oil mill, and bonded warehouse at Carrollton, Georgia, all within 200 to 900 yards of each other. The dve house is located in the basement of a building adjoining the No. 1 Mill and connected thereto by a ramp. The No. 1 Mill is 200 yards distant from the No. 2 Mill. The Company also operates nine other cotton gins within Carroll County and one in the adjoining State of Alabama. All cotton, rayon staple, peanuts, soy beans, and other supplies obtained by the Company are stored in and cleared through the bonded warehouse. The cotton, as picked in the fields, is sent to the gins where the cotton fibre is separated from the cottonseed. The cotton fibre is then taken to the Nos. 1 and 2 Mills where it is spun into yarn, and during the process dyed in the dye The cottonseed, the peanuts, and the sov beans are taken to the oil mill where they are crushed and processed for vegetable oil. The Nos. 1 and 2 Mills are engaged solely in spinning varn for the Company. The dye house, cotton gins, oil mill, and warehouse do work for the public as well as for the Company. The cotton gins also retail building supplies, coal, and feed products obtained from the hulls of the seed.

There is no interchange of employees between the various divisions. Each division is independently supervised, subject only to the over-all supervision of the general superintendent. Each division does its own hiring of employees, has its own pay roll, which is prepared and checked in the general offices of the Company and returned to each division for distribution. The work performed in the Nos. 1 and 2 Mills and the dye house, is entirely different from that carried on in the other divisions. The Company has never had any collective bargaining agreement with a labor organization. The Union has made no attempt to organize any of the divisions sought to be included by the Company, since it admits to membership textile workers only. It appears from the foregoing that the Nos. 1 and 2 Mills and dve house constitute a homogeneous group having interests apart from the other divisions sought to be included by the Company.5 Accordingly, we are of the opinion that the two mills and dve house constitute an appropriate bargaining unit.

We find that all production and maintenance employees of Nos. 1 and 2 Mills, including dye house employees, second hands, watch-

⁴ The terms overseers and supervisors are used interchangeably in the record. ⁵ Matter of Rolling Mill Division of the Miller Company, 57 N L R. B. 1373.

men, yardmen, truckers, packing room employees (excepting the head packer), firemen, and maintenance crew, but excluding clerical employees, the head packer, foremen, overseers, 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 payroll 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 Mandeville Mills, Inc., Carrollton, 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 Textile Workers Union of America, C. I. O., for the purposes of collective bargaining.

Mr. Gerard D. Rehly took no part in the consideration of the above Decision and Direction of Election.