

In the Matter of TUBIZE RAYON CORPORATION *and* TEXTILE WORKERS  
UNION OF AMERICA, CIO

*Case No. 10-R-1307.—Decided November 6, 1944*

*Mr. Barry Wright*, of Rome, Ga., for the Company.

*Mr. Garland R. Brook*, of Atlanta, Ga., and *Mr. A. O. Boyles*, of Rome, Ga., for the Union.

*Mr. Herbert C. Kane*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Textile Workers of Union of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Tubize Corporation, Rome, 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 hearing was held at Rome, Georgia, on September 29, 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

Tubize Rayon Corporation, a Delaware corporation, is engaged in the manufacture of synthetic yarns at Rome, Georgia. The Rome plant is the only one involved in this proceeding. During the past 12 months, the Company purchased raw materials valued in excess of \$2,000,000. The raw materials, mostly wood pulp, cotton linters,

and chemicals, were practically all purchased and shipped from points outside the State of Georgia to its Rome, Georgia, plant. During the same period, the Company produced finished yarn valued in excess of \$5,000,000, practically all of which was shipped to points outside the State of Georgia.

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 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 Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

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 parties generally agree that a unit of all hourly paid employees of the Company at the Rome plant, including trainees, village workers, cafeteria employees, but excluding all technical employees, laboratory employees (except employees of the knitting and pilot laboratories), office and clerical employees, armed guards, and supervisory employees, is appropriate for the purposes of collective bargaining. The Union, however, desires to include the instructors; the Company desires their exclusion as supervisory employees.

The instructors are in charge of units, each of which is composed of from 5 to 19 operators. They are given a longer lunch period than the operators and receive about 13 percent more pay on an hourly basis. The instructors report absentees and assign operators to machines at the beginning of the shift, transfer operators to other machines when necessary, make out reports, assist "weak" operators with their work, and aid the foremen in maintaining discipline and

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<sup>1</sup> The Field Examiner reported that the Union submitted 1,090 application for membership cards; that there are approximately 1,924 employees in the appropriate unit, and that the cards were dated, 808 July 24, 1944, or later, and 282 were undated.

production. They are required to keep the operators at their work and prevent them from being away from the machines for any undue length of time. They have no authority to personally discipline operators, but are authorized to tell them to return to work and to correct them when the work is not being properly performed. They transmit orders of the foremen and report any failure to carry out these orders. They are empowered to settle disputes between the operators. In cases where they cannot keep order or if there is any dispute which they cannot settle, they report to the foreman, who investigates the matter. While in the course of such investigation, he may talk to the employee involved and watch her work, he gives considerable weight to the recommendations of the instructors.<sup>2</sup> After such investigation, the foreman may recommend appropriate action to the personnel office, which either discharges or transfers the employee. We find that instructors are supervisory employees within our usual definition thereof.

We find that all hourly paid employees of the Company at the Rome plant, including trainees, village workers, cafeteria employees, but excluding all technical employees, laboratory employees (except employees of the knitting and pilot laboratories), office and clerical employees, armed guards, 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.

#### V. THE DETERMINATION OF REPRESENTATIVES

The Union desires that the pay roll of September 23, 1944, be used to determine eligibility. However, we see no reason to depart from our customary practice in this respect. Accordingly, 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

<sup>2</sup> Both foremen who appeared as witnesses testified that they give "special" or "more effective" weight to the instructors' recommendations than to an operator, and one testified that as to the fitness of an operator he relied on the instructor because "she would know, she is in there with her."

**DIRECTED** that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Tubize Rayon Corporation, Rome, 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, CIO, for the purposes of collective bargaining.

Mr. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.