

In the Matter of UNITED RAYON MILLS, ELBERTON DIVISION and
UNITED TEXTILE WORKERS OF AMERICA, A. F. OF L.

Case No. 10-R-1316.—Decided December 6, 1944

Messrs. *Raymonde Stapleton* and *K. V. McCaleb*, of Elberton, Ga.,
for the Company.

Mr. J. C. Carpenter, of Elizabethton, Tenn., *Mr. Veal M. Brown*,
of Elberton, Ga., and *Mr. W. R. Herrod*, of Asheville, N. C., for the
Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Textile Workers of America, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of United Rayon Mills, Elberton Division, Elberton, Georgia, the National Labor Relations Board provided for an appropriate hearing upon due notice before Albert D. Maynard, Trial Examiner. Said hearing was held at Elberton, Georgia, on November 11, 1944. The Company and the Union appeared, participated, and 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 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

United Rayon Mills is a Massachusetts corporation. We are here concerned with its Elberton Division at Elberton, Georgia, where it is engaged in the manufacture of rayon and cotton woven fabric. During the year ending June 30, 1944, the Company received as

bailee materials valued in excess of \$300,000 for use at its Elberton, Division, over 90 percent of which was shipped to it from points outside the State of Georgia. During the same period the Company shipped products valued in excess of \$500,000 from its Elberton Division, 90 percent of which was sent 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

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

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of its employees at its Elberton Division.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be 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 urges that all production and maintenance employees at the Elberton Division of the Company, excluding guards and office, clerical, and supervisory employees, constitute an appropriate unit. The only controversy with respect to the unit concerns clerks in the quilling department.

The Company employs three clerks in its quilling department, one of whom has the authority effectively to recommend changes in the status of employees. We find that the latter is a supervisory employee, and as such, we shall exclude her from the unit. The remaining two work in the plant keeping records and in addition open shipping cases and place raw yarn on machines and remove finished yarn therefrom. We shall include them in the unit.

We find that all production and maintenance employees at the Elberton Division of the Company, including quilling department clerks,

¹ The Field Examiner reported that the Union presented 238 membership application cards. There are approximately 267 employees in the appropriate unit.

but excluding clerical and office employees, 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

We find that the question concerning representation which has arisen can best be resolved by means of an election by secret ballot. The Union urges that the pay roll of November 11, 1944, be used to determine eligibility to vote. Inasmuch as no persuasive reason appears as to why we should depart from our usual practice, we shall direct that those eligible to vote shall be 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 the 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 United Rayon Mills, Elberton Division, Elberton, 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 any 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, A. F. L., for the purposes of collective bargaining.