

In the Matter of WILLIAM H. COLEMAN COMPANY and COOPERS' INTERNATIONAL UNION, LOCAL No. 76, A. F. OF L.

Case No. 15-R-1252.—Decided December 22, 1944

Pigford & Key, by *Mr. W. N. Key*, of Jackson, Tenn., *Mr. Graham File*, of Chicago, Ill., and *Mr. Fred I. Smith*, of Jackson, Tenn., for the Company.

Mr. J. L. Robertson, of Memphis, Tenn., and *Messrs. L. H. Baxter, J. L. Roach*, and *H. D. Baker*, of Jackson, Tenn., 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 Coopers' International Union, Local No. 76, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of William H. Coleman Company, Jackson, Tennessee, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Laurence H. Whitlow, Trial Examiner. Said hearing was held at Jackson, Tennessee, on November 17, 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

William H. Coleman is a Tennessee corporation operating a plant at Jackson, Tennessee, where it is engaged in the manufacture of ax handles and barrel headings. During 1943, the Company manufactured products valued in excess of \$200,000 approximately all of which was shipped to points outside the State of Tennessee. During

the same period the Company purchased raw materials valued in excess of \$100,000 about 20 percent of which was shipped to it from points outside the State of Tennessee.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Coopers' International Union, Local No. 76, 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 exclusive collective bargaining representative of its employees until such time as the Union is certified by the Board.

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 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Union contends that all production employees in the heading department of the Company at Jackson, Tennessee, including maintenance employees but excluding employees in the handle department, and supervisory and clerical employees, constitute an appropriate unit. The only controversy with respect to the unit concerns maintenance employees and watchmen.

The Company's operations at Jackson, Tennessee, consist of two departments, namely the barrel heading department and the ax handle department. (The Union would limit its unit to the employees in the former department. The Company agrees with this contention.) In addition, the Company employs maintenance employees consisting of engineers, firemen and firemen's helpers, and watchmen, who service both of the Company's departments. The Company would exclude such persons from the requested unit while the Union would include them. It appears that the Union has organized only the employees in the heading department, including the employees in dispute, and that it has no jurisdiction over the employees in the handle department. No other labor organization is claiming to represent the

¹ The Field Examiner reported that the Union presented 35 authorization cards. There are approximately 49 employees in the appropriate unit.

watchmen or maintenance employees. In view of the extent of organization, we shall include the maintenance employees and watchmen in the unit.

We find that all production employees in the heading department of the Company at Jackson, Tennessee, including maintenance employees and watchmen, but excluding employees in the handle department, clerical 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.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees within 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 William H. Coleman Company, Jackson, Tennessee, 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 Fifteenth 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 Coopers' International Union, Local No. 76, for the purposes of collective bargaining.