

In the Matter of THE HARTSVILLE COTTON MILL and UNITED TEXTILE
WORKERS OF AMERICA, A. F. L.

Case No. 10-R-1343.—Decided December 28, 1944

*Messrs. James D. Poag and James H. Price, of Greenville, S. C., and
Mr. William A. L. Sibley, of Union, S. C., for the Company.*

Mr. W. R. Herrod, of Asheville, N. C., for the Union.

Mr. Louis Monas, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by United Textile Workers of America, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Hartsville Cotton Mill, Hartsville, South Carolina, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Albert D. Maynard, Trial Examiner. Said hearing was held at Hartsville, South Carolina, on December 2, 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

The Hartsville Cotton Mill, a South Carolina corporation, has its place of business at Hartsville, South Carolina, where it is engaged in the spinning of cotton thread and the weaving of cotton print cloth.

Its annual purchases of raw cotton are valued at more than \$1,000,000, of which more than 60 percent comes from outside the State of South Carolina. Its weekly finished products are valued at approximately \$50,000, of which 90 percent is shipped to points outside that State.

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

II. THE ORGANIZATION INVOLVED

United Textile Workers of America, affiliated with the American Federation of Labor, 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 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.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

In substantial accordance with the agreement of the parties, we find that all the Company's production and maintenance employees at its Hartsville, South Carolina, plant, including the shop force, the yard force (including the truck driver), the janitor force, and the watchman, but excluding office and clerical employees, second hands, managerial employees, 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 pay-roll

¹ The Field Examiner reported that the Union submitted 197 membership application cards and that there are approximately 325 employees in the unit hereinafter found appropriate. At the hearing, the Union submitted to the Trial Examiner 14 additional membership application cards.

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 The Hartsville Cotton Mill, Hartsville, South Carolina, 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 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.