

In the Matter of AMERICAN YARN AND PROCESSING Co. and TEXTILE  
WORKERS UNION OF AMERICA (CIO)

In the Matter of AMERICAN YARN AND PROCESSING Co. and UNITED  
TEXTILE WORKERS OF AMERICA (AFL)

*Cases Nos. 5-R-1650 and 5-R-1704 respectively.—Decided  
January 1, 1945*

*Mr. George B. Mason, of Gastonia, N. C., and Mr. W. H. Sutfenfeld,*  
of Mount Holly, N. C., for the Company.

*Messrs. J. H. Fullerton and Purnell Maloney, of Charlotte, N. C.,*  
for the CIO.

*Mr. John O. McGlashan, of Gastonia, N. C., and Mr. Nick Collins,*  
of Asheville, N. C., for the AFL.

*Mr. Sidney Grossman, of counsel to the Board.*

## DECISION

AND

## DIRECTION OF ELECTION

### STATEMENT OF THE CASE

Upon separate petitions duly filed by Textile Workers Union of America, affiliated with the Congress of Industrial Organizations, herein called the CIO, and by United Textile Workers of America, affiliated with the American Federation of Labor, herein called the AFL, alleging that a question affecting commerce had arisen concerning the representation of employees of American Yarn and Processing Co., Mount Holly, North Carolina, herein called the Company, the National Labor Relations Board provided for an appropriate consolidated hearing upon due notice before George L. Weasler, Trial Examiner. Said hearing was held at Mount Holly, North Carolina, on November 13, 1944. The parties 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 an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

59 N. L. R. B., No. 250.

## FINDINGS OF FACT

## I. THE BUSINESS OF THE COMPANY

The American Yarn and Processing Co., a North Carolina corporation, with its principal office and place of business in Mount Holly, North Carolina, is engaged in the business of producing mercerized cotton yarn at its four plants, namely, Adrian, Medora, Woodlawn, and American (also called Processing), with which the proceeding is concerned. During the year 1943, the Company purchased raw materials for use at its Mount Holly plants valued at approximately \$200,000, of which 95 percent was secured from sources outside the State of North Carolina. During the same period, the Company produced at its Mount Holly plants finished products aggregating approximately \$300,000 in value, of which 40 percent was shipped to points outside the State of North Carolina.

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

## II. THE ORGANIZATIONS INVOLVED

Textile Workers Union of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

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

On July 5 and August 10, 1944, the CIO and the AFL, each claiming that it represents a majority of the employees working at the Adrian and Medora plants, and at the Woodlawn and American plants, respectively, requested recognition of the Company as the bargaining representative of such employees. The Company refused to grant recognition until the CIO and the AFL have been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the CIO and the AFL represent a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

<sup>1</sup>The Field Examiner reported that the CIO submitted 244 designations which bore dates between May and July 1944, in an alleged appropriate unit consisting of 363 employees confined to the Company's Adrian and Medora plants. At the hearing the CIO submitted 14 additional designations. The Company's pay roll, dated October 29, 1944, disclosed 421 employees in the unit referred to.

The Field Examiner also reported that the AFL submitted 134 applications for membership which bore dates between April and September 1944, in an alleged appropriate unit consisting of 565 employees at the Company's Woodlawn and American plants. The pay roll above referred to disclosed 637 employees in the unit.

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 CIO requests a unit confined to the employees in the Company's Adrian and Medora plants. The Company and the AFL urge the appropriateness of a unit comprised of the employees at the Company's four plants, namely, Adrian, Medora, Woodlawn, and American. The parties are in general agreement that the appropriate unit should consist of all production and maintenance employees, excluding office and clerical employees, the office janitor in the maintenance department, section hands, second hands, and all other supervisory employees.

The Company maintains its principal offices in Mount Holly, North Carolina, where office and clerical functions are performed for its four plants. Adrian and Medora are situated adjacent to each other about a mile from the main office, both under the supervision of a single superintendent. The remaining two plants, under the supervision of separate superintendents, are located at a distance of 2 miles from each other within an area of a mile of the office building.

While Adrian, Medora, and Woodlawn function as independent units in that each is engaged in spinning yarn of different textures, they employ the same skills and equipment, often utilize each other's facilities to meet production schedules, and are all dependent upon American for the mercerizing and finishing processes. Similarly, although each of the four plants is administered independently in that separate production and accounting records are maintained therefor, Company policies relating thereto are centrally promulgated. All employees are subject to the same working conditions, receive substantially the same wage rates in their respective job classifications, and share in employer sponsored welfare and social activities. A single personnel office clears all employees who are hired or transferred, and issues releases for those discharged by the plant superintendent. Although the record does not disclose frequent interchange of employees, a transferred employee retains his accumulated vacation rights and is retained on the pay roll and social security cards of his former plant until the end of the fiscal year notwithstanding his status as a new employee in the plant to which he has been transferred. Moreover, the same group of maintenance employees services all plants in common, the Company's trucks transport materials for all plants, and its bus facilities are at the disposal of all employees. In view of the foregoing considerations, we are of the opinion that the Company's four plants con-

stitute a single appropriate unit for the purposes of collective bargaining.

*Bus drivers and truck drivers:* The Company and the AFL would include, and the CIO would exclude, these employees. The Company employs nine truck drivers and four bus drivers. The record reveals that the two truck drivers who appear on Adrian's pay roll transport material to and from the various plants; that the seven truck drivers who appear on American's pay roll transport materials from the spinning mills to American, and finished products to the Company's customers; and that the four bus drivers who appear on American's pay roll and are responsible to the person in charge of shipping, transport employees in Company-owned busses to and from work. Since no cogent reason appears for their exclusion, we shall include the bus drivers and the truck drivers in the unit.

We find that all production and maintenance employees at the Company's Adrian, Medora, Woodlawn, and American plants, Mount Holly, North Carolina, including the bus drivers and truck drivers, but excluding office and clerical employees, the office janitor in the maintenance department, section hands, second hands, and all or any 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 limitation 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 American Yarn and Processing Co., Mount Holly, North 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 Fifth 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 they desire to be represented by Textile Workers Union of America, affiliated with the Congress of Industrial Organizations, or by United Textile Workers of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.