

In the Matter of MAYWOOD HOSIERY MILLS, INC. and AMERICAN  
FEDERATION OF HOSIERY WORKERS, C. I. O.

*Case No. 10-R-1363.—Decided January 12, 1945*

*Whipple & Williams*, by *Mr. George W. Williams*, of Cordele, Ga.,  
for the Company.

*Messrs. Matthew Lynch* and *John D. Clifton*, of Atlanta, Ga., 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 American Federation of Hosiery Workers, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Maywood Hosiery Mills, Inc., Cordele, 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 Cordele, Georgia, on December 19, 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

Maywood Hosiery Mills, Inc., is a Georgia corporation with its principal place of business at Cordele, Georgia, where it is engaged in the manufacture of full-fashioned hosiery. During the 12-month period preceding the hearing the Company purchased raw materials

valued in excess of \$50,000 over 60 percent of which was shipped to it from points outside the State of Georgia. During the same period the Company manufactured products valued in excess of \$100,000 over 90 percent 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

American Federation of Hosiery Workers is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

During October and November 1944, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused these requests 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.<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 Union urges that all employees of the Company, excluding clerical and supervisory employees, constitute an appropriate unit. The only controversy with respect to the unit concerns A. J. Booth and Elizabeth Rycroft. The Union contends that they are supervisory employees and should be excluded from the unit.

The record discloses that Booth acts as a night foreman, reports dereliction of duty on the part of the employees to the superintendent or assistant superintendent, and substitutes for the latter two employees during their absences. In addition, he transmits orders to the regular production employees. While his subordinates are paid on a piece-rate basis and do not receive vacations with pay, Booth is paid a weekly salary and receives annual vacations with pay. We conclude that Booth is a supervisory employee, and as such, we shall exclude him from the unit.

Elizabeth Rycroft maintains a desk in the mill where she spends a substantial portion of her time keeping production records and sta-

<sup>1</sup> The Field Examiner reported that the Union presented 33 membership application cards. There are approximately 43 employees in the appropriate unit.

tistical reports. She instructs learners and transmits orders from the superintendent to the regular production employees. She also apportions work and is charged with the duty of expediting production. She is paid on a different basis from the other employees and receives vacation with pay while the others do not. We shall exclude Elizabeth Rycroft from the unit.

We find that all employees of the Company, excluding 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,<sup>2</sup> 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 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

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Maywood Hosiery Mills, Inc., Cordele, 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 American Federation of Hosiery Workers, C. I. O., for the purposes of collective bargaining.

<sup>2</sup> Booth and Rycroft are deemed excluded.