

In the Matter of **PIEDMONT COTTON MILLS and TEXTILE WORKERS UNION
OF AMERICA, C. I. O.**

Case No. 10-R-1384.—Decided January 25, 1945

*Weekes & Candler, by Mr. Murphey Candler, Jr., of Decatur, Ga.,
for the Company.*

Mr. Horace White, of Atlanta, Ga., for the Union.

Mr. Jack Mantel, of counsel to the Board.

**DECISION
AND
DIRECTION OF ELECTION**

STATEMENT OF THE CASE

Upon a petition duly filed by Textile Workers Union of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Piedmont Cotton Mills, Egan, Georgia, 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 Atlanta, Georgia, on January 8, 1945. 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

Piedmont Cotton Mills is a Georgia corporation engaged in the manufacture of cotton duck at its plant at Egan, Georgia. During the fiscal year ending August 31, 1944, the Company purchased raw materials valued in excess of \$400,000, of which over 20 percent was shipped to its plant from points outside the State of Georgia. During

the same period, the Company sold finished products valued in excess of \$750,000, of which 90 percent was shipped to points outside the State. At the present time, approximately 90 percent of the Company's production is contracted for by the United States Government.

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

II. THE ORGANIZATION INVOLVED

Textile Workers Union of America, affiliated with the Congress of Industrial Organizations, 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 its employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, 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

The Company and the Union are in agreement that all employees, including watchmen,² but excluding office and clerical employees, and supervisory employees with the rank of overseer and above, constitute an appropriate unit for the purposes of collective bargaining. The parties are in dispute, however, concerning second-hands, whom the Company would exclude from the unit and the Union would include.

The Company employs approximately 16 second-hands, each of whom is responsible for the production in his respective department. Three or four departments are in turn supervised by an overseer. On the second shift, which is under the general supervision of the night superintendent, no overseers are on duty; the second-hands therefore assume the overseers' usual supervisory functions. The record discloses that second-hands on both shifts, although having no final authority in the hiring and discharging of workers, can effectively recommend the hire, promotion, discharge, or discipline of employees under their supervision. Since the second-hands come within the Board's customary definition of supervisory employees, we shall exclude them.

¹ The Board agent reported that the Union submitted 323 authorization cards. There are approximately 460 employees in the unit hereinafter found appropriate.

² These employees are neither militarized nor deputized.

We find that all employees of the Company, including watchmen, but excluding office and clerical employees, overseers, second-hands, 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 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 Piedmont Cotton Mills, Egan, 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 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 those employees 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 Textile Workers Union of America, C. I. O., for the purposes of collective bargaining.

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