

IN the Matter of CENTURY RIBBON MILLS, INC., EMPLOYER *and* EMPLOYEES OF CENTURY RIBBON MILLS, INC., PETITIONER *and* UNITED CONSTRUCTION WORKERS, AFFILIATED WITH U. M. W. OF A., UNION

*Case No. 5-RD-11.—Decided August 13, 1948*

DECISION  
AND  
DIRECTION OF ELECTION

Upon a petition for decertification duly filed, hearing in this case was held at Radford, Virginia, on June 23, 1948, before Howard A. McIntyre, Jr., hearing officer.<sup>1</sup> At the hearing, the hearing officer permitted the interrogation of the representative of the petitioning employees to show that the petition was instigated by the Employer, and that with the knowledge and approval of the Employer, the petition was circulated during working hours among employees of the Employer. A motion by the Union to dismiss the petition on the ground that it was instigated by the Employer was referred by the hearing officer to the Board. In accordance with our well established practice of excluding from representation proceedings all matters relative to unfair labor practices, the Union's motion is denied. For the same reason, all testimony with respect to such matters is hereby stricken from the record.<sup>2</sup> The hearing officer's other rulings are free from prejudicial error and are hereby affirmed.

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.
2. The Petitioners, employees of the Employer, by their representative, Mrs. Andrew S. Ratcliffe, assert that the Union is no longer the representative of the employees as defined in Section 9 (a) of the amended Act.

The Union, a labor organization affiliated with United Mine Workers of America, was established on May 13, 1947, in Case No. 5-R-2828,

<sup>1</sup> Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the National Labor Relations Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members [Houston, Reynolds, and Gray]

<sup>2</sup> See *Matter of Magnesium Casting Company*, 76 N. L. R. B. 251; *Matter of Underwriters Salvage Company of New York*, 76 N. L. R. B. 601.

pursuant to a consent election, as the exclusive bargaining representative of the Employer's employees at its plant in Radford, Virginia.<sup>3</sup>

3. A question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The following employees of the Employer constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All production and maintenance employees at the Employer's Radford, Virginia, plant including the shipping clerk, loom fixers, quillers, machinists, and the janitor, and excluding office and clerical employees, inspectors, foremen, the quiller overseer and all supervisors, guards, and professional employees as defined in the Act.<sup>4</sup>

### DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Century Ribbon Mills, Inc., Radford, Virginia, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Fifth Region, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, 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, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented, for purposes of collective bargaining, by United Construction Workers, affiliated with U. M. W. of A.<sup>5</sup>

<sup>3</sup> The certification of the Union has not resulted in the execution of a bargaining agreement with the Employer

<sup>4</sup> The unit is in substance the same unit as the one for which the Union was certified as bargaining representative. The description has been changed slightly to conform with the provisions of the amended Act

The parties disagreed regarding the status of Frank Mills, who is classified as a weaver, and whom the Union contends is a supervisor-instructor. Although a representative of the Employer stated that the Employer presently has no employees classified as instructors, we are unable, on the record before us, to make a finding with respect to the unit placement of Mills

<sup>5</sup> The Union has not complied with the registration and filing requirements of Section 9 (f) and (h) of the Act. Accordingly, in the event that the Union wins the election, it will be certified only if at that time it is in compliance with such requirements. Absent such compliance, the Board will only certify the arithmetical results of the election. *Matter of Harris Foundry & Machine Company*, 76 N. L. R. B. 118; *Matter of Magnesium Casting Company*, 76 N. L. R. B. 251.