

In the Matter of VOLNEY FELT MILLS, INC., EMPLOYER and UNITED
PAPERWORKERS OF AMERICA, CIO, PETITIONER

Case No. 32-RC-102.—Decided March 8, 1949

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.*

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 labor organization involved claims to represent employees of the Employer.

3. A question of representation 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 appropriate unit:

The Petitioner requests a unit of all production and maintenance employees at the Employer's Memphis, Tennessee, plant, excluding office and clerical employees and all supervisors.¹ The Employer, while agreeing with the general composition of the unit, would exclude the three beater room foremen, the three machine tenders, the master mechanic, and the yard boss as supervisors.

The Employer's plant is under the over-all supervision of the plant manager and the plant superintendent. The plant operates on three shifts. At the head of each shift is a tour boss who is generally re-

*Reynolds, Murdock, and Gray.

¹ There are approximately 43 employees in the group sought by the Petitioner.

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sponsible for overseeing the work of the several departments on his shift. The machine room and the beater room consist of small groups of three and four employees respectively, on each shift. There are six maintenance employees who are either machinists, helpers or welders. The employer apparently designates as foreman in each group one employee who is more experienced than his fellow workers.

These individuals are basically experienced men with duties which are virtually identical with those of their fellow employees but who are technically acquainted with the production process and are therefore given the responsibility of regulating the flow of work in their respective departments, in addition to working along with the employees in such departments. While the other employees in these departments may look to these individuals for instruction and guidance in the course of their work, the relationship appears to be similar to that of a master craftsman to an apprentice. The parties agree that none of these employees have the independent right to hire, discharge, promote, discipline, or otherwise effect changes in the status of their fellow employees, nor does the record support a finding that they have the power to effectively recommend such action. We do not believe they can be said to direct responsibly their fellow employees. Furthermore, we have previously considered the status of similarly classified employees with virtually identical functions at another plant of the employer and found them to be non-supervisory.² Accordingly, we find that they are not supervisory employees and we shall include them in the appropriate unit.

There remains for consideration the unit placement of the yard boss. The yard boss, in addition to the usual clerical work of receiving, recording, weighing, computing, and tagging inbound raw material, directs four roustabouts in unloading, transporting by hand truck, and storing such materials in the warehouse as designated by the yard boss. Unlike the working foremen considered above, the yard boss does not participate in the manual labor performed by the roustabouts who work under his direction. Moreover, in a previous case involving another plant of the Employer, we have excluded the yard boss from the similar unit therein found appropriate.³ We find that the yard boss involved in the present proceeding responsibly directs the employees in his group and is, therefore, a supervisor within the meaning of the amended Act. We shall, accordingly, exclude him from the unit.

We find that all production and maintenance employees of Volney Felt Mills, Inc., at its Memphis, Tennessee, plant, including beater

² See *Matter of Volney Felt Mills, Inc.*, 71 N. L. R. B. 951.

³ See footnote 2, *supra*.

room foremen, machine tenders, and the master mechanic, but excluding office and clerical employees, the yard boss, and all other supervisors, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, 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 Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, as amended, 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 Paperworkers of America, CIO.