

In the Matter of ADAMS-MILLIS CORPORATION, EMPLOYER *and*
AMERICAN FEDERATION OF HOSIERY WORKERS, PETITIONER

Case No. 34-RC-120.—Decided June 6, 1949

· DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Howard A. McIntyre, 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-member panel [Chairman Herzog and Members Houston and Murdock].

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 named below claims to represent employees of the Employer.
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 appropriate unit:

The Petitioner seeks a unit composed of all production and maintenance employees of the Employer, excluding fixers, clerical help,¹ watchmen, foremen, foreladies, and all other supervisors. The parties are in general agreement as to the composition of the unit. The Petitioner, however, would exclude, whereas the Employer would include, the fixers, the watchmen-firemen, utility men (electrical), the machinist, the lot-boy, Jessie Bishop, the utility girl, and Clannie Bishop.

Fixers: The Employer has three employees classified as fixers, who perform the duties typical of employees in this category in the full-

¹ At the hearing, the Employer contended that this exclusion from the unit should be changed to read "office clerical help." It is not clear from the record whether or not any plant clerical employees are employed by the Employer. In accordance with our usual practice, however, we shall exclude only office clerical employees from the production and maintenance unit hereinafter found appropriate. *Matter of The Clark Thread Company*, 79 N. L. R. B. 542.

fashioned hosiery industry. We have heretofore recognized that there exists a well-established pattern of collective bargaining in the full-fashioned hosiery industry whereby fixers are excluded from units of production and maintenance employees.² We shall therefore exclude the fixers from the unit.

Watchmen-firemen: The Employer employs three watchmen-firemen. One of them works only on Saturdays and Sundays. His principal occupation is firing the boiler and sweeping the plant. He makes a tour of the plant every hour punching time clocks located in two or three places in the plant. One of the Employer's witnesses testified that this tour occupies about 10 minutes out of every hour. Another of the watchmen-firemen works 4 days each week, including Saturday and Sunday. The third watchman-fireman works 5 days a week, including Saturday and Sunday. On weekdays these two employees are engaged exclusively in firing the boiler and sweeping the plant. Their duties on Saturday and Sunday are identical with those of the first watchman-fireman described above, each of the three men working on a different shift. None of these men is deputized or uniformed. In accordance with previous Board decisions with respect to part-time watchmen who are engaged predominantly in other work, we shall include these watchmen-firemen in the production and maintenance unit as maintenance employees.³

*Utility man (electrical):*⁴ The Petitioner contends that this individual is a supervisor. The record shows that he is the plant's only electrician and that he does minor electrical work and other odd jobs around the plant. As this individual is not a licensed electrician any major electrical work that may be required is performed by an electrician from the Employer's main plant. On occasion, other employees in the plant may be temporarily assigned to assist the utility man in performing certain tasks. The record does not show that he has any power to hire or discharge these temporarily assigned employees, to recommend changes in their status, or responsibility to direct them. We shall therefore include the utility man (electrical) in the unit.

*Machinist:*⁵ The Petitioner contends that this individual should be excluded from the unit as a fixer. He is classified by the Employer as a machinist, and he is engaged in rebuilding knitting machines. This work consists of remolding, refinishing, and repointing. He has

² *Matter of Garden State Hosiery Co.*, 74 N. L. R. B. 318, 325; *Matter of Tower Hosiery Mill, Inc.*, 64 N. L. R. B. 1245; *Matter of Adams-Millis Corporation, Plant Number 7*, 63 N. L. R. B. 362; *Matter of Mock, Judson, Voehringer Company of North Carolina, Inc.*, 63 N. L. R. B. 96.

³ *Matter of Radio Corporation of America*, 76 N. L. R. B. 826.

⁴ Ralph Henderson.

⁵ W. E. Spangle.

no machinists or helpers working under his supervision, and he works under the supervision of the general foreman. This man has been employed intermittently by the Employer for 18 years. At the time of the hearing, he has been engaged at his present employment for 15 months. About 3 or 4 years prior to the hearing, this individual had been employed by the Employer as a foreman-fixer. As the machinist has no employees working under his direction or any other indicia of supervisory authority, we shall include him in the unit.

Lot-boy: The Petitioner contends that the lot-boy is an assistant fixer. This individual is an unskilled worker in the seaming and looping department. He distributes work to production employees. In addition, he is learning fixing, puts needles in machines, and fixes belts. He is hourly paid, at a rate much lower than that of the knitters and just above the minimum for unskilled workers. He has no authority to discipline or transfer employees, to make recommendations affecting their status, or responsibly to direct them. We shall include the lot-boy in the unit.

Jessie Bishop: The Petitioner contends that this individual should be excluded from the unit as a seamer instructor. The Employer's position is that, although this individual had been an instructor for a 6-month period ending about 3 months prior to the hearing, she is now a seamer. The Employer further contends, and the record shows, that she has not now, nor did she have while an instructor, authority to hire or discharge employees, to reprimand them, effectively to recommend changes in their status, or responsibly to direct them. We shall include Jessie Bishop in the unit as a production worker.⁶

Utility girl: The Petitioner contends that this individual should be excluded from the unit as a forelady. She is carried on the pay roll as a utility girl, is hourly paid, and works in the same room with the production employees. She distributes work to inspectors and menders, but has no authority to correct or reprimand the employees to whom she distributes work. At a time 10 months before the hearing, when the foreman was ill, she assisted the superintendent by putting needles in machines. Her other duties were not changed at that time, she received no additional compensation, and she did not have authority to hire or discharge employees, to make effective recommendations with respect to changes in their status, or responsibly to direct them. We find that the utility girl is not a supervisor, and we shall therefore include her in the unit.

Clannie Bishop: The Petitioner contends that Bishop is a supervisor. He is engaged in cleaning the knitting machines, but does

⁶ *Matter of Ely & Walker Dry Goods Company*, 73 N. L. R. B. 874; *Matter of Textron, Incorporated*, 72 N. L. R. B. 841; *Matter of Mock, Judson, Voehringer Company of North Carolina, Inc.*, 63 N. L. R. B. 96.

no repair work. He has been employed longer than the other cleaners in the plant and receives about 5 cents an hour more. He has no authority to reprimand, discipline, or transfer employees, to make recommendations in that respect, or responsibly to direct them. Complaints concerning the work of cleaners come from the knitters whose machines have not been properly cleaned. As Bishop has none of the indicia of supervisory authority, we shall include him in the unit as a maintenance worker.

We find that all production⁷ and maintenance⁸ employees at the Employer's Tryon, North Carolina, plant, including watchmen-firemen, the utilityman (electrical), the machinist, the lot-boy, and the utility girl, but excluding fixers, office clerical employees, foremen, foreladies, and all other supervisors as defined in the Act, 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 American Federation of Hosiery Workers.

⁷ Including Jessie Bishop.

⁸ Including Clannie Bishop.