

In the Matter of CHADBOURN HOSIERY MILLS, INC., EMPLOYER *and*
AMERICAN FEDERATION OF HOSIERY WORKERS, PETITIONER

Case No. 34-RC-171.—Decided May 10, 1950

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Miles J. McCormick, hearing officer. 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 Reynolds and Styles].

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 certain employees of the Employer.

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

4. The appropriate units:

The Petitioner seeks a single unit of all employees, excluding clerical employees and supervisors, at the Employer's finishing operation, known as Plant No. 4, and the greige goods operation known as Plant No. 6, at Charlotte, North Carolina, or, in the alternative, a similar unit at the finishing operation alone. The Employer contends that the appropriate unit should consist of all greige goods plants, five in number, in various cities, but concedes that a separate unit for the finishing plant only would be appropriate.

The Employer's operations in Charlotte are carried on in a two-story rectangular building. The finishing operation is now located on the first floor. Here the hosiery is received in the greige state from

all five greige goods plants, and dyed, stamped, paired, boarded, and packed for shipment. A coordinating and mending section is also part of this operation. The finishing operation is under the direction of a plant manager, who reports directly to the vice president of the Company.

The greige goods operation is now located on the second floor of the Charlotte building, except for one new 60-gauge knitting machine which has been placed on the first floor because of its excessive weight. It is the ultimate intention of the Employer to locate the entire knitting operation on the first floor and the displaced finishing operation on the second. In the manufacture of greige goods the Employer operates 22 knitting machines used for the manufacture of ladies' full-fashioned hosiery. The operations carried on are knitting, looping, seaming, inspecting, and mending. This operation is under the overall supervision of a plant manager, who reports to the manager of the full-fashioned division. There are supervisors for each of the 3 shifts in the knitting room and for the auxiliary operations.

Applicants for employment in either operation are screened by the central employment office of the Employer, but the applicants are then sent to each of the managers, who have the right to hire or reject any applicants sent to them. The two operations are physically separated by walls and floors for the most part. Each has its own payroll, and functions separately as to accounting and organization. The record does not disclose any interchange of employees between the two operations and special training would be necessary before any such interchange was feasible.

As the parties are in substantial accord as to the appropriateness of a separate unit for the finishing operation, we find that such a unit is appropriate for the purposes of collective bargaining.¹

The Employer contends, contrary to the Petitioner's apparent desire, that the only appropriate unit for its greige goods operations should include all employees at each of its separate plants. In addition to Plant No. 6 discussed above, the Employer operates greige goods plants at Burlington, Siler City, and Midland, North Carolina, and Shenandoah, Virginia. Each of these plants has separate supervision under a plant manager. There is no interchange of employees between the plants; their distance from Charlotte varies from 22 miles to 305 miles. In view of the absence of interchange of personnel, the separate supervision, and the geographical location of the plants, we find, contrary to the contentions of the Employer,² that a unit of employees at

¹ *Waldensian Hosiery Mills, Inc.*, 85 NLRB 758; *id.*, 74 NLRB 315.

² We note that the Employer recently agreed on the appropriateness of a unit at the Shenandoah plant and to a consent election there.

the Employer's greige goods operation known as Plant No. 6 in Charlotte, North Carolina, is appropriate for the purposes of collective bargaining.³

There remains for consideration the question of the inclusion or exclusion of the "table supervisors" or expeditors in Plant No. 4. The Employer would exclude and the Petitioner include them. The table supervisors or expeditors work in the coordinating department, where the job functions are assigned to groups of four employees: a matcher who pairs the goods, a reweaver who fixes or pulls threads out of the hose, a classifier who measures and counts the stockings, and an expeditor who coordinates and directs the work of the table. The expeditor sets the pace and remains at her table at all times. She is paid on a piecework basis, as are the other girls at the table, but she receives extra compensation depending upon the production of the entire table. The expeditor has no authority to hire or discharge, and can only recommend an independent management investigation when she wishes to remove a girl at her table. In the event that any girl at a table is absent for a day, that entire table, including the expeditor, is sent home and is not paid. Unlike these expeditors, all supervisors have weekly meetings and are not paid on a piecework basis. The expeditors have met together at the Employer's behest with these supervisors on only one occasion, for the purpose of seeing a training film. As these expeditors have no authority to hire or discharge, and as their recommendation carries no substantial independent weight, we find that they are not supervisors. We shall therefore include them in the unit.⁴

We find that the employees in groups No. 1 and No. 2 listed below constitute units appropriate for the purpose of collective bargaining within the meaning of Section 9 (b) of the Act:

1. All production and maintenance, employees at the finishing operation known as Plant No. 4, Charlotte, North Carolina, including expeditors but excluding fixers, office clerical employees,⁵ and all supervisors within the meaning of the Act.

2. All production and maintenance employees at the greige goods operation known as Plant No. 6, Charlotte, North Carolina, excluding

³ See *Sani-Aqua Shower Curtains, Inc.*, 88 NLRB No. 218.

⁴ *Pacific Gas and Electric Company*, 87 NLRB 257.

⁵ The manager of Plant No. 4 has a payroll clerk who has no other duties than the preparation of the payroll. She works in the main office of the Company. In accordance with the agreement of the parties we shall exclude her from the unit as an office clerical employee.

fixers, office clerical employees,⁶ and all supervisors within the meaning 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, among the employees in the units found appropriate in paragraph numbered 4, above, who were employed during the payroll period immediately preceding the date of this Direction of Election, including employees who did not work during said payroll 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.

⁶ The payroll clerk in Plant No. 6 works in the office of the manager for that plant. Her duties are to tabulate information which is cut into a card for the IBM payroll machine. As the parties are in agreement that she is an office clerical, we shall exclude her from the unit.