

In the Matter of GASTONIA WEAVING COMPANY, EMPLOYER and UNITED
TEXTILE WORKERS OF AMERICA,¹ PETITIONER

Case No. 34-RC-201.—Decided October 10, 1950

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, 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 Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Reynolds, and Styles].

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

1. The Employer, a North Carolina corporation, is engaged at its Gastonia, North Carolina, plant, in the manufacture of textile products, particularly woven labels. During the past 12 months, the Employer purchased raw materials valued in excess of \$50,000, of which more than 50 percent was received from points outside the State of North Carolina. During the same period, the Employer produced finished products valued in excess of \$75,000, of which more than 50 percent was sold and shipped to points outside the State. We find that the Employer is engaged in commerce within the meaning of the Act. As the Employer manufactures products destined for out-of-State shipment which have a value of more than \$25,000 a year, we further find that it will effectuate the policies of the Act to assert jurisdiction in this case.²

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 (c) (1) and Section 2 (6) and (7) of the Act.

¹ On his own motion the hearing officer amended the caption of this case to include Local No. 2640 of the Petitioner. As there is no indication in the record that the Petitioner desires this local to appear on the ballot we see no justification for this amendment. If, however, the Petitioner does in fact desire that Local No. 2640 appear on the ballot in the election hereinafter directed, it may so request the Regional Director who shall place said local on the ballot.

² *Stanislaus Implement and Hardware Company, Ltd.*, 91 NLRB 618.

4. The parties agree generally that the appropriate unit consists of all production and maintenance employees of the Employer, excluding office clerical employees, guards, and supervisors as defined in the Act. A dispute exists, however, as to the unit placement of the following employees whom in each case the Employer would include and the Petitioner would exclude:

Martha Thornberg and Helen Oates: The record shows that these employees work in the office along with the Employer's other office employees, where they compile production records for the payroll department. Virtually all of their time is spent working in the office, although they are required to go into the plant each day for brief periods, varying between 15 and 45 minutes, to obtain certain production figures. They have the same office hours as office employees, do not perform any production work, and are paid on a salary basis as distinguished from production workers who are paid on a piecework or time basis. Upon these facts we conclude that these employees are essentially office clericals. In accordance with our usual policy we shall exclude them from the production and maintenance unit.

Lead men: The Petitioner would exclude from the unit the machine shop lead man, the leading yarn man, and the leading examiner, on the ground that they are supervisors.³

The *machine shop lead man* works in the machine shop where he does electrical work and operates a lathe. His hourly rate of pay is higher than those of the other machine shop employees. Although there is some evidence tending to show that he is referred to by other employees as "shop foreman," the record indicates that he has no authority to hire, discharge, or discipline employees, or effectively to recommend such action. The record establishes that to the extent that he directs the work of other employees in the machine shop such direction does not require the use of independent judgment but consists essentially of transmitting instructions which he receives from the foreman or superintendent.

The *leading yarn man* is employed in the yarn department. His duties consist of receiving and unpacking yarn coming into the plant, carrying yarn from the winding room to the quiller room, weighing waste yarn, keeping certain records, and allotting yarn to the winders. The record shows that he has no authority to hire, discharge, or discipline employees, or effectively to recommend such action, and although he gives orders to other employees, it appears that he, like the machine shop lead man, merely passes along instructions which he has received from the foreman.

³ The employees in question are Harwell, Edmunds, and Stradley, respectively.

The *leading examiner* works in the examining room along with approximately 22 other examiners. Approximately 35 percent of her time is spent performing the same type of work as the examiners are, and the remainder of her time is devoted to various other jobs such as observing the work of the examiners, keeping certain records, separating labels, working on the rolling machine, and at times sewing labels. She has no authority to hire, discharge, or discipline employees, or effectively to recommend such action, although, on occasion, she may make decisions on minor personnel matters in the department. To the extent that she assigns work to other examiners, it appears that she also does no more than relay instructions given to her by the foreman.

Upon the basis of the foregoing facts, and upon the entire record in the case, we believe that the machine shop lead man, the leading yarn man, and the leading examiner, are not supervisors within the meaning of the Act. Accordingly, we shall include them in the unit.

Shipping clerk: The shipping clerk works in a small office located near the main office. His duties consist of wrapping and packaging labels for shipment by parcel post, typing up shipping tags, taking packages to the post office, and maintaining an inventory of the various kinds of labels kept in stock. To the extent that his duties are clerical in nature they are fundamentally plant, rather than office, clerical duties. We shall, therefore, include him in the unit.⁴

Watchmen: The Employer employs two watchmen. They are neither uniformed nor deputized, and generally are not armed. The record establishes that they devote approximately 60 percent of their time to cleaning, firing stokers, and operating a card-cutting machine, and generally act as watchmen on week ends. As they do not spend at least 50 percent of their time as watchmen, we find that they are not guards within the meaning of the Act, and shall include them in the unit.⁵

We find that all production and maintenance employees at the Employer's Gastonia, North Carolina, plant, including the shipping clerk, machine shop lead man, leading yarn man, leading examiner, and watchmen, but excluding office clericals,⁶ guards, and all 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.

[Text of Direction of Election omitted from publication in this volume.]

⁴ *The Schauer Machine Company*, 82 NLRB 490.

⁵ *United States Gypsum Company*, 81 NLRB 344.

⁶ Included in this category are employees Thornberg and Oates.