

In the Matter of INTERNATIONAL CELLUCOTTON PRODUCTS COMPANY  
and TEXTILE WORKERS UNION OF AMERICA, AFFILIATE OF THE C. I. O.

*Case No. 15-R-1541.—Decided March 25, 1946*

*Mr. Doyle Fife*, of Memphis, Tenn., and *Mr. S. Norman Moe*, of Neenah, Wis., for the Company.

*Mr. Grant L. Williams*, of Memphis, Tenn., for the Union.

*Mr. Harry R. Ehrlich*, of counsel to the Board.

## DECISION

AND

## DIRECTION OF ELECTION

### STATEMENT OF THE CASE

Upon a petition duly filed by Textile Workers Union of America, affiliate of the C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of International Cellucotton Products Company, Memphis, Tennessee, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before T. Lowry Whittaker, Trial Examiner. The hearing was held at Memphis, Tennessee, on February 4, 1946. The Company and the Union appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

International Cellucotton Products Company, a Delaware corporation, is engaged in the manufacture of cleansing tissues and packaging of sanitary belts at its plant in Memphis, Tennessee.

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During the period from May 1, 1945, through October 31, 1945, the Company used raw materials valued at approximately \$714,000, of which about 99 percent was shipped to the Company's plant from points outside the State of Tennessee. During the same period, the Company's finished products were valued at approximately \$808,000, of which about 90 per cent was shipped to points outside the State.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

Textile Workers Union of America is a labor organization, affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees until it has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

## IV. THE APPROPRIATE UNIT

We find, in substantial agreement with the parties, that all employees, including watchmen,<sup>2</sup> but excluding office and clerical employees, plant manager, materials handling foreman, day foreman (converting), maintenance foreman, tour fourmen, foreladies, head shipper, head receiver, mail department supervisor, trainers, cafeteria manager, operating personnel counselor, head storekeeper, inventory clerk, and any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

<sup>1</sup> The Field Examiner reported that the Union submitted 141 cards, bearing the names of 107 employees, listed on the Company's pay roll of November 25, 1945. There are approximately 186 employees in the appropriate unit.

<sup>2</sup> The watchmen are neither militarized, deputized, uniformed, nor armed, nor do they perform monitorial duties.

## V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

## DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with International Cellucotton Products Company, Memphis, Tennessee, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fifteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, 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, to determine whether or not they desire to be represented by United Textile Workers of America, affiliate of the C. I. O., for the purposes of collective bargaining.