

In the Matter of HATTIESBURG COMPRESS COMPANY and INTERNATIONAL  
UNION OF MINE, MILL, AND SMELTER WORKERS, CIO

*Case No. 15-R-1566.—Decided May 9, 1946*

*Messrs. M. P. Brown, Hollis C. Rawls, C. V. Hathorn*, all of Columbia, Miss., and *Mr. N. M. Roberts*, of Hattiesburg, Miss., for the Company.

*Mr. J. T. Dabbs*, of Hattiesburg, Miss., for the Union.

*Mr. F. G. Dunn*, of counsel to the Board.

DECISION  
AND  
CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

Upon a petition duly filed by International Union of Mine, Mill, and Smelter Workers, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Hattiesburg Compress Company, Hattiesburg, Mississippi, herein called the Company, the National Labor Relations Board on February 28, 1946, conducted a prehearing election pursuant to Article III, Section 3,<sup>1</sup> of the Board's Rules and Regulations, among employees of the Company in the alleged appropriate unit, to determine whether or not they desired to be represented by the Union for the purposes of collective bargaining.

At the close of the election a Tally of Ballots was furnished the parties. The Tally shows that there were approximately eight eligible voters and that all eight of these eligible voters cast valid ballots, of which six were cast for the Union, and two against the Union.

Thereafter, pursuant to Article III, Section 10,<sup>2</sup> of the Rules and Regulations, the Board provided for an appropriate hearing upon due notice before T. Lowry Whittaker, Trial Examiner. The hearing was held at Columbia, Mississippi, on April 8, 1946. The Company and the Union appeared and participated. All parties were afforded full

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<sup>1</sup> By amendment of November 27, 1945, this Section of the Rules now permits the conduct of a secret ballot of employees prior to hearing in cases which present no substantial issues.

<sup>2</sup> As amended November 27, 1945, this Section provides that in instances of prehearing elections, all issues, including issues with respect to the conduct of the election shall be heard at the subsequent hearing.

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

Hattiesburg Compress Company is engaged in the general cotton warehousing and compressing business, operating 3 plants. The plant at Columbia, Mississippi, is the only one involved in this procedure. At the Columbia plant during the 6 months preceding February 2, 1946, and prior to October 1945, it received 3,300 bales of cotton from the Government which came from outside the State of Mississippi. The balance of approximately 9,290 bales came from within the State. Of all cotton received during this period, approximately 90 percent was shipped outside the State of Mississippi.

The Company contends that it is not engaged in commerce within the meaning of the National Labor Relations Act, inasmuch as the service the Company renders is wholly performed within the State of Mississippi, and because they are only consignees of the cotton, and have no control over its movements in interstate commerce. We find this contention without merit. The Company's operations form an integral function in the movement of large quantities of produce from their States of origin to their ultimate destinations in other States and an interruption of the performance of the Company's service by reason of a labor dispute would interfere with the free flow of commerce.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.<sup>3</sup>

#### II. THE ORGANIZATION INVOLVED

International Union of Mine, Mill, and Smelter Workers, CIO, is a labor organization, 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 its employees until the Union has been certified by the Board in an appropriate unit.

<sup>3</sup> *Matter of Merchants & Manufacturers Warehouse Company*, 41 N. L. R. B. 979; see also *Matter of Philadelphia Terminals Auction Co.*, 44 N. L. R. B. 454.

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 accordance with the agreement of the parties, that all production and maintenance employees at the Company's Columbia, Mississippi, plant, excluding office and plant clerical employees, watchmen, supervisors, foremen, and all 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.

#### V. THE DETERMINATION OF REPRESENTATIVES

The results of the election held previous to the hearing show that the Union has secured a majority of the valid votes cast and we shall certify the Union as the collective bargaining representative of the employees in the appropriate unit.

#### CERTIFICATION OF REPRESENTATIVES

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, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3, as amended.

IT IS HEREBY CERTIFIED that, International Union of Mine, Mill, and Smelter Workers, CIO, has been designated and selected by a majority of the production and maintenance employees of the Hattiesburg Compress Company at its Columbia, Mississippi, plant, excluding office and plant clerical employees, watchmen, supervisors, foremen, and all employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (c) of the Act, the said organization is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.