for an election among the employees whom it now represents, we shall dismiss the petition without prejudice to the filing of a new petition at such time as the required showing of interest can be made.

Order

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed without prejudice.

HUDSON HOSIERY COMPANY *and* AMERICAN FEDERATION OF HOSIERY WORKERS, PETITIONER. *Case No. 34–RC–289. July 17, 1951.*

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 John H. Garver, 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, Murdock, and Styles].

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

1. The Employer is engaged in commerce within the meaning of the 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 (c) (1) and Section 2 (6) and (7) of the Act.

4. The appropriate unit:

The Employer, who is engaged in the manufacture of women's full-fashioned hosiery, owns and operates two plants in Charlotte, North Carolina, a griege goods plant at Monroe Road and a finishing plant at Brevard Street, located 4 miles from each other. In addition, the Employer operates another griege goods plant in Shelby, North Carolina, some 50 miles distant from Charlotte. Raw materials are shipped by the Employer to both griege plants, where the preliminary process of throwing is carried on, followed by the knitting, looping, sewing, inspecting, mending, and preboarding operations. Upon completion of these processes at each griege plant, the materials are transferred to the Brevard Street establishment, where the dyeing, final boarding, inspecting, pairing, mending, transferring, folding, boxing, and shipping operations are conducted.

The Petitioner contends that a unit of all production and maintenance employees at the Monroe Road plant alone, excluding fixers,

cafeteria employees, nurses, truck drivers, painters, painters' helpers, carpenters, carpenters' helpers, clerical employees, executives, superintendents, foremen, foreladies, and all other supervisors as defined in the Act,[1] is appropriate for the purposes of collective bargaining. The Employer urges that the appropriate unit should include both Charlotte plants or, in the alternative, all three plants in North Carolina. No other labor organization seeks to represent employees of the Employer.

In two earlier cases involving the same parties,[2] the Petitioner sought, and the Board directed, an election among employees at the Monroe Road plant in a unit substantially similar to the one petitioned for herein, despite the Employer's contention for a unit of the two Charlotte plants. In finding the single-plant unit appropriate, the Board stated that "each of the various departments housed in the two plants conducts an independent operation in the over-all manufacturing process; . . . there is a marked difference between the function and skills of the employees working in the Monroe Road plant and those employed in the Brevard Street plant; and there is no interchange of employees between the two plants other than an occasional shifting of production workers which is actually a transfer of surplus labor on a permanent basis." The Employer argues that as there is now a greater interchange of employees between the two plants, these prior determinations are no longer applicable.

During the past 5 years, the Employer transferred 169 employees between the Brevard Street and Monroe Road plants. Of this total, however, 128 transfers represent the permanent relocation of an entire knitting department from the former to the latter plant. Most of the remaining transfers have been made for the purpose of training employees to perform new duties, as the skills which the employees acquire in performing their respective duties cannot be readily utilized in other departments. Under all the circumstances, we find that these employee interchanges do not alter the functional separateness of the operations at the Monroe Road and Brevard Street plants which the Board has previously recognized. Accordingly, we conclude that employees at the Monroe Road plant may constitute an appropriate unit.[3]

There remains for consideration the specific composition of the appropriate unit. The Petitioner desires to exclude, and the Employer to include, the fixers, some of whom have supervisory functions while others keep machinery in repair but perform no supervisory duties,

[1] In its petition, the Petitioner also sought the exclusion of firemen from the requested unit. At the hearing, however, it agreed with the Employer to include these employees.

[2] *Hudson Hosiery Company*, 64 NLRB 1520; *Hudson Knitting Mills, Inc., et al.*, 56 NLRB 1250. The Petitioner failed to obtain a majority of the votes in the elections directed in both of these cases.

[3] *Harms Hosiery Co., Inc.*, 91 NLRB 330.

cafeteria employees, nurses, carpenters, carpenters' helpers, painters, painters' helpers, clerical employees, and truck drivers who transport materials between the two plants.[4] In the instant case, the Petitioner takes the same position it advanced in the prior cases referred to above with respect to the exclusions of these categories of employees.[5] We are persuaded from the testimony presented in the instant case that the functions and duties of these employees are substantially the same as they were at the time of the previous cases. We shall therefore exclude them from the unit.

The parties have agreed, and we find, that executives, superintendents, foremen, and foreladies are supervisors. We shall accordingly exclude them from the unit.

Accordingly, we find that all production and maintenance employees at the Employer's Monroe Road plant, including firemen, air-conditioning men, and cone inspectors, but excluding fixers, cafeteria employees, nurses, truck drivers, painters, painters' helpers, carpenters, carpenters' helpers, clerical employees, executives, superintendents, 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.

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

[4] The Petitioner and Employer have agreed to include in the unit the air-conditioning men and the cone inspectors, in addition to the firemen referred to above.

[5] In the first of the earlier cases (56 NLRB 1250), the Petitioner requested that fixers be included in the unit. As the Employer did not oppose the Petitioner's position, the Board included the fixers. However, in the later proceeding (64 NLRB 1420), the Petitioner requested that the fixers be excluded. We granted that request on the basis of our holdings in other cases 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. *Mock, Judson, Voehringer Company of North Carolina, Inc.*, 63 NLRB 96.

THOMAS W. DANT, ROBERT E. DANT (INDIVIDUALLY AND AS GUARDIAN FOR DIANA KERR AND DAPHNE KERR), JOHN R. DANT, ELEANOR C. DANT, MARY B. DANT, R. J. DARLING, E. S. GOODELL, MRS. MARY GOODELL, GLENN W. CHENEY, AND DOROTHY D. MCNARY, COPARTNERS, D/B/A DANT & RUSSELL, LTD., *and* INTERNATIONAL WOODWORKERS OF AMERICA LOCAL 6-7. *Case No. 36-CA-100. July 17, 1951*

Order Denying Motion

On November 29, 1950, the Board issued its Decision and Order in the above-entitled proceeding,[1] finding that the Respondents had engaged in and were engaging in certain unfair labor practices, and

[1] 92 NLRB 307.