

In the Matter of WYTHEVILLE KNITTING MILLS, INC., EMPLOYER and
AMERICAN FEDERATION OF HOSIERY WORKERS, CIO, PETITIONER

Case No. 5-R-2457.—Decided September 18, 1946

Mr. T. H. Brooks, of Greensboro, N. C., for the Employer.
Messrs. Matthew Lynch and *Albert L. Hackworth*, of Greensboro,
N. C., and *Mr. Fred G. Held*, of Pulaski, Va., for the Petitioner.
Mr. Bernard Dunau, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Wytheville, Virginia, on August 8, 1946, before Oscar Geltman, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Wytheville Knitting Mills, Inc., a Virginia corporation, is engaged in the business of manufacturing full-fashioned hosiery at its sole plant located at Pepper's Ferry Road, Wytheville, Virginia. The Employer annually purchases raw materials, consisting mainly of rayon, nylon, and cotton, valued at more than \$300,000, of which about 80 percent is shipped to the plant from points outside the State of Virginia. The Employer yearly manufactures finished stockings valued at more than \$1,000,000, of which about 80 percent is shipped from the plant to points outside the State.

The Employer admits and we find that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

The Petitioner is a labor organization affiliated with the Congress of Industrial Organizations claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Petitioner as the exclusive bargaining representative of employees of the Employer until the Petitioner has been certified by the Board in an appropriate unit.

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

IV. THE APPROPRIATE UNIT

The parties agree that all production and maintenance employees of the Employer, excluding foremen fixers, assistant foremen fixers, forelady instructors, supervising electrician, and office clerical employees, constitute an appropriate unit. They are in disagreement concerning the inclusion of learners within the unit. The Petitioner desires their inclusion; the Employer takes no position, preferring a Board ruling on the issue.

About 10 percent of the Employer's 300 employees are learners, of whom 20 are assigned to the seaming department, and 10 are assigned to the legging department. The learners are hired with the expectation that after their period of training they will become regular production workers.¹ After 1 or 2 months, the work of the learners becomes useful to the Employer, and after a longer period of time, usually about 1 year, the learners achieve sufficient proficiency to produce finished work without assistance. They work under the supervision of the forelady instructor within the department, and under working conditions similar to those of the regular production employees. It is evident that the learners have substantial interests in common with the regular production and maintenance employees. Accordingly, we shall include them in the unit.²

We find that all production and maintenance employees of the Employer, including learners, but excluding foremen fixers, assistant foremen fixers, forelady instructors, supervising electrician, office clerical employees, 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.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Wytheville Knitting Mills, Inc.,

¹ However, about 50 percent of the learners quit during their first year.

² See *Matter of Joseph T. Ryerson & Sons, Inc.*, 65 N. L. R. B. 921; *Matter of Central Barge Company*, 61 N. L. R. B. 784; *Matter of Douglas Aircraft Co., Inc.*, 60 N. L. R. B. 876.

Wytheville, Virginia, 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 Fifth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Sections 203.55 and 203.56, of National Labor Relations Board Rules and Regulations—Series 4, among the 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 American Federation of Hosiery Workers, CIO, for the purposes of collective bargaining.