

In the Matter of ADVANCE GLOVE MANUFACTURING COMPANY, EMPLOYER and INTERNATIONAL GLOVE WORKERS UNION, AFL, PETITIONER

Case No. 10-R-2153.—Decided November 20, 1946

Messrs. Barry Wright and H. L. Lowenberg, both of Rome, Ga., for the Employer.

Mrs. Julia Parker, of Atlanta, Ga., Mr. Alfred Jones, of Manchester, Ga., and Messrs. Elmer Dowell and H. J. Ortwin, both of Rome, Ga., for the Petitioner.

Messrs. Charles S. English and J. D. Pedigo, both of Rome, Ga., for the Intervenor.

Mr. Warren H. Leland, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Rome, Georgia, on October 1, 1946, before Paul S. Kuelthau, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. At the hearing the Employer moved to dismiss the intervention of the Intervenor contending that the unit sought by the latter is inappropriate. Although the unit desired by the Intervenor is not appropriate, that is not a ground for dismissing its intervention. The Intervenor has otherwise demonstrated sufficient interest to be permitted to intervene. Accordingly, the motion to dismiss is hereby denied.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Advance Glove Manufacturing Company operates plants in Detroit, Michigan; Toledo, Ohio; Chicago, Illinois; and Rome, Georgia. This proceeding involves only the Rome plant which is engaged in the manufacture of cotton work gloves. During the course of a year, the

Employer purchases raw materials for its Rome plant, valued in excess of \$250,000, approximately 10 percent of which is received from points outside the State of Georgia. During the same period, the Employer manufactured at this plant finished products valued in excess of \$250,000, approximately 90 percent of which is shipped to points outside the State of Georgia.

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

II. THE ORGANIZATIONS INVOLVED

The Petitioner is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

Amalgamated Clothing Workers of America, herein called the Intervenor, 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 Petitioner and the Employer agree generally that a unit of all production and maintenance employees engaged by the Employer at its Rome plant, excluding office employees, salesmen, and supervisory employees, is appropriate for the purposes of collective bargaining. The sole disagreement between these two parties relates to plant clerical employees; the Petitioner contends that they should be included, and the Employer urges that they should be excluded. The Intervenor seeks a multi-plant unit consisting of all employees engaged by the Employer at its Detroit, Toledo, Chicago, and Rome plants. It does not otherwise object to the composition of the unit proposed by the Petitioner.

The Intervenor did not introduce any evidence to support its contention that the employees in the Employer's four plants scattered over as many States should be included in a single unit. There is no evidence that organization has proceeded or is proceeding on such a basis, or that any history of collective bargaining in the Employer's

plants would justify such a unit. Under all the circumstances, particularly the geographical separation of the Rome plant from the other plants of the Employer, we are of the opinion that a unit limited to the Rome plant is appropriate.

As to the question of the inclusion of plant clerical employees in the unit, there are no employees in this classification employed by the Employer at the present time. While there is some expectation that plant clerks will be employed in the future, it is not possible to ascertain the duties of such prospective employees at this time. In view of the uncertainty surrounding the plant clerical employees we shall make no present determination as to them.

We find that all production and maintenance employees employed at the Employer's Rome, Georgia, plant, excluding office employees, salesmen, and all 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

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot, subject to the limitations and additions set forth in the Direction.

In its brief, the Employer urges that an election at the present time would be premature because it anticipates substantially increasing its working force in the future. There are 50 to 60 persons presently employed at the Rome plant, but the Employer expects to expand its facilities so as to employ approximately 200 individuals. The date when this expansion will be completed is apparently indefinite and indeterminate. Inasmuch as the present employees constitute a representative group, we are of the opinion that an election at this time is appropriate.¹

We shall, however, entertain a new petition for investigation and certification of representatives affecting the employees involved herein within the next year, but not before the expiration of 6 months from the date of any certification we may issue in the present proceeding upon proof (1) that the number of employees in the appropriate unit is more than double the number eligible to vote in the election hereinafter directed; and (2) that the Petitioner represents a substantial number of employees in the expanded appropriate unit.²

¹ See *Matter of Frestone Tire and Rubber Company*, 69 N L R. B. 634, *Matter of Tuttle Silver Company, Inc.*, 66 N L R B 238

² See *Matter of Aluminum Company of America*, 52 N. L R B 1040

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Advance Glove Manufacturing Company, Rome, Georgia, 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 Tenth 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 paid-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 they desire to be represented by International Glove Workers Union, AFL, or by Amalgamated Clothing Workers of America, CIO, for the purposes of collective bargaining, or by neither.