

In the Matter of WILLIAMS FURNITURE CORPORATION and LOCAL 273,
UNITED FURNITURE WORKERS OF AMERICA, CIO and LOCAL 273,
UPHOLSTERERS INTERNATIONAL UNION OF NORTH AMERICA, AFL

Case No. 10-RE-21.—Decided January 24, 1947

Mr. Kenneth M. Brim, of Greensboro, N. C., and *Mr. Julian T. Burton*, of Sumter, S. C., for the Employer.

Messrs. W. L. Clifton and *Marius Cooper*, both of Sumter, S. C., for the CIO.

Mr. Warren E. Hall, of Atlanta, Ga., and *Mr. Ben Shouse*, of High Point, N. C., for the AFL.

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 Sumter, South Carolina, on December 9, 1946, before M. A. Prowell, 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

Williams Furniture Corporation, a South Carolina corporation, is engaged in the manufacture of wooden furniture at its plant in Sumter, South Carolina. During the past year, the Employer purchased raw materials valued in excess of \$500,000, more than 33 percent of which was received from points outside the State of South Carolina. During the same period, the Employer manufactured furniture valued in excess of \$500,000, more than 90 percent of which was shipped 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 ORGANIZATIONS INVOLVED

Local 273, United Furniture Workers of America, herein called the CIO, is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

Local 273, Upholsterers International Union of North America, herein called the AFL, is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer on September 26, 1946, filed its petition with the Board, in which it averred that it was confronted with conflicting representation claims of the CIO and the AFL, and requested an investigation and certification of representatives.

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

In accordance with the agreement of the parties, we find that all production and maintenance employees of the Employer, excluding office and clerical employees, 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.

At the hearing, the AFL made an oral motion to postpone an immediate election herein on the ground, allegedly, of heightened racial and personal differences among the interested employees. The hearing officer referred the matter to the Board. The AFL adduced no evidence in support of its motion, and in the absence thereof we deny the request for postponement.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Williams Furniture Corporation, Sumter, South Carolina, an election by secret ballot shall be con-

ducted 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 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 they desire to be represented by Local 273, United Furniture Workers of America, CIO, or by Local 273, Upholsterers International Union of North America, AFL, for the purposes of collective bargaining, or by neither.

MR. JAMES J. REYNOLDS, JR., took no part in the consideration of the above Decision and Direction of Election.