

AMERICAN CYANAMID COMPANY *and* UNITED, GAS, COKE
& CHEMICAL WORKERS OF AMERICA, CIO, Petitioner.
Case No. 15-RC-1025. December 15, 1953

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. Immel, Jr., 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 this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.

2. The labor organizations involved claim to represent certain employees of the Employer.¹

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. In accordance with the agreement of the parties, we find that all production and maintenance employees at the Employer's Jefferson Parish, Louisiana, plant, including warehouse employees, and shipping and receiving clerks, but excluding office clerical employees, plant clerical employees, technical and professional employees, guards, and supervisors, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

5. Construction of the Employer's plant started in March 1952. At the time of the hearing in October 1953 construction of the units for the production of acrylonitrile, which is the principal product the Employer will manufacture, had not been completed. Other production units, however, are in operation and are fully staffed.

At the time of the hearing the Employer had 38 employees. By June 1954 the Employer expects to have 279 employees working in all units. Tentative expansion plans contemplate the hiring of 2 employees in October and 11 in December, 1953; 45 in January, 16 in February, 105 in March, 30 in April, and 33 in June, 1954.

The Petitioner and the Intervenor urge that an immediate election be held, contending that the Employer now has a substantial number of employees in all general classifications, and that any contemplated expansion will involve only an increase in numbers rather than basic changes in the types and skills of employees. The Employer takes no position as to the time of the election, but leaves it to the discretion of the Board.

¹New Orleans Metal Trades Council, AFL, herein called the Intervenor, was permitted to intervene at the hearing on the basis of a showing of interest.

We shall provide for an election to be held by March 31, 1954, or on such earlier date, to be selected by the Regional Director, as it shall appear that a substantial and representative number of employees are then employed.² We believe that the working force which will be employed when the election directed herein is held, will be a substantial and representative segment of the employees to be employed in the voting group for a reasonable time in the future.

[Text of Direction of Election omitted from publication.]

²Eligibility shall be determined by the payroll period immediately preceding the issuance of a notice of election.

TEXTRON INCORPORATED *and* TEXTILE WORKERS UNION
OF AMERICA, CIO, Petitioner. Case No. 10-RC-2538.
December 15, 1953

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 Lloyd R. Fraker, 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 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.¹
4. The parties are in general agreement that a unit of production and maintenance employees is appropriate. The Petitioner, however, would exclude, among others, the clerk in the preparation department and the clerk in the cloth room; the standards man and the planning clerk, whose interests, it contends, are different from the production and maintenance employees; and the shipping clerk, the head supply man, the head loom fixers, the head loom fixer instructors, and mechanic Bethel Duck, who, it alleges, are supervisors.² On the other hand, it would include the shop mechanics who serve as part-time watchmen. Except for its

¹Contrary to the Employer's contention, the fact of compliance by a labor organization which is required to comply is a matter for administrative determination and is not litigable by the parties. Sunbeam Corporation, 94 NLRB 844. Moreover, the Board is administratively satisfied that the Petitioner is in compliance.

²The parties are agreed that overseers and second hands are supervisors within the meaning of the Act.