

**Stratford Furniture Corporation and Futorian Manufacturing Company and Upholsterers' International Union of North America, AFL-CIO, and Local 591, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, Joint-Petitioners. Case No. 32-RC-892. March 8, 1956**

### 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 Caso March, 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.

3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.<sup>1</sup>

4. The appropriate unit:

The parties are agreed that the scope of the unit should consist of the production and maintenance employees of 2 plants adjacent to each other and owned and operated as 1 integrated enterprise.

The Employer would include in the production and maintenance unit the following categories of clerks as plant clericals. The Petitioners would exclude them as office clericals.

Ticket production clerks prepare piece-work tickets, containing the customer's name, address, and style number of the customer's order; they distribute these tickets to the scheduling departments and in case of cancellation of orders, it is their responsibility to retrieve these tickets. They also participate at times in inventory taking. Order

<sup>1</sup> The Employer moved to dismiss on the ground that the instant petition was filed by 2 labor organizations jointly, whereas the membership and/or authorization cards designated only 1 labor organization. We find no merit in this contention. The Board has consistently held that two or more labor organizations may file petitions supported by separate designation cards and may appropriately bargain as joint representatives. The names of such petitioners will appear jointly on the ballot, and if they are successful in the election herein directed, they will be certified jointly as the bargaining representative of the employees in the unit. The Employer may then insist that the petitioners bargain jointly for such employees as a single unit. The Employer's motion is therefore denied. *Sachs-Lawler Company*, 112 NLRB 507, footnote 2, *Mission Appliance Corporation*, 108 NLRB 176, 177; *Gusdorf & Son*, 107 NLRB 998, 999, footnote 3; *Hauser Nash Sales, Inc*, 92 NLRB 531, 532

The further ground for dismissal, i. e., that Petitioners did not make a demand for recognition on the Employer, is also found to be lacking in merit, as it was apparent at the hearing that the Employer was unwilling to recognize the Petitioner as the collective-bargaining representative of its employees

section clerks check the salesmen's copies of customer orders to see that prices and description of merchandise are correct, after which the orders are delivered by them to the I. B. M. department for acknowledgment. They also follow up on shipments to check deliveries. Customer service clerks are responsible for sending advertising material to customers for the latter's advertising campaigns. They also follow up customers' complaints, examine returned merchandise, and are responsible for procuring replacements for such. Payroll department clerks obtain their data for payroll purposes from production tickets turned over by the supervisors and line foremen. Accounts payable clerks obtain payments for all merchandise purchased by the Employer. Accounts receivable clerks enter all checks received on certain machines and send out statements for unpaid amounts. I. B. M. department clerks operate the I. B. M. machines which indicate the type of orders received, which are then filed for report purposes. The traffic clerk indicates the routing for incoming and outgoing shipments. She also handles freight bills and checks incoming and outgoing shipments. The switchboard operator-receptionist functions as the name implies and also operates the public-address system. The relief switchboard-receptionist periodically relieves the regular operator and in addition also operates the teletype machine. Stenographic clerks work for several departments including requisition, inventory, order, accounts payable, and accounts receivable.

All of the clerks in the above categories work in the general office. With the exception of the I. B. M. clerks, who are under the supervision of the comptroller, and the traffic clerk who works directly under the traffic manager, all of them are under the supervision of the office manager. We find that, although these clerks are hourly paid and punch a time clock, their interests and duties differ substantially from those of the production workers, and that they have little community of interest with the production workers. We find that they are essentially office clerical workers. We shall, therefore, exclude them.

In addition to the classifications considered above, the record discloses the following clerical classifications of a different type, as to whose unit placement the parties are in disagreement:

*Plant clericals:* There are seven clerks who work in the factory proper and are under the supervision of production supervisors. They act mainly as receiving, shipping and production clerks, making out receiving slips, requisitions to, and withdrawals from, the warehouse, etc. We find that these clerks are plant clericals, whom the Board customarily includes in a production unit. We shall therefore include them.

*Requisition and inventory control clerks:* These clerks prepare all requisitions issued by the various departments and keep records for the purpose of inventory controls. They work under the supervision

of the receiving and warehouse department supervisor. We find that these employees are essentially plant clericals. We shall accordingly include them in the unit.

The parties are also in disagreement as to the inclusion of certain employees alleged to be either supervisors or guards. These employees will be considered principally under the classifications noted below.

*Line foremen:* There are 11<sup>2</sup> production-line foremen at the Stratford plant and 4 at Futorian plant<sup>3</sup> whom the Employer regards as supervisors. However, the Employer requests the Board to determine whether they are supervisors within the meaning of the Act. As the evidence shows that these line foremen are consulted in the discharge of employees, participate in discussion concerning the efficiency rating of employees, and responsibly direct their departments, we find they are supervisors within the meaning of the Act and exclude them.<sup>4</sup>

*Watchmen-maintenance men:* These men act as watchmen 20 to 35 percent of their time and do cleanup work during the remainder. Although not uniformed or armed, they make regular rounds of the Employer's property and punch a clock at hourly intervals. As it is clear that these men perform guard duties at least part of the time we find that they are guards within the meaning of the Act.<sup>5</sup> We shall, therefore, in accordance with established Board policy, exclude them from the unit.

We find that the following employees constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All production and maintenance employees of the Employer's Stratford and Futorian plants at New Albany, Mississippi, including plant clerical employees, but excluding office clerical employees, professional employees, guards, and all supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

<sup>2</sup> The 11 production-line foremen are Whiteside, Floyd, Moran, McMillan, Potter, Gates, Foster, Cook, Baker, Jennings, Gardner

<sup>3</sup> Duncan, Howell, Bolton, Gentry

<sup>4</sup> The Employer also raised a question as to the status of the following foremen: Stroud, Gardner, Province, Sappington, Reeder. As the evidence shows that these persons do work comparable to that of the line foremen, and that they responsibly direct their departments, we find that they are supervisors within the meaning of the Act and exclude them from the unit. A question was also raised as to the status of Yarborough and Durwood Morris in the cabinet department. As it appears that Yarborough transmits orders from Sappington, the head of the department, and that Yarborough does not exercise supervisory powers under his own authority, we find that Yarborough is not a supervisor within the meaning of the Act. The record shows that Durwood Morris has actively and effectively recommended the discharge of an employee and that the employees regard him as their foreman under orders from Sappington. We therefore find that Morris is a supervisor within the meaning of the Act. The Employer questioned the status of George McBrier. As the evidence indicates that he actively and responsibly directs the work of the cushion department, we find he is a supervisor within the meaning of the Act.

<sup>5</sup> *Walterboro Manufacturing Corporation*, 106 NLRB 1383