

In the Matter of AMERICAN WOOLEN COMPANY, NAT'L. AND PROVIDENCE
MILLS and INDEPENDENT TEXTILE UNION OF OLNEYVILLE

Case No. R-400.—Decided February 8, 1938

Textile Industry—Investigation of Representatives: controversy concerning representation of employees: rival organizations; controversy as to appropriate bargaining unit—*Unit Appropriate for Collective Bargaining:* production and maintenance employees in three mills operated by employer; similarity of wage scales; functional coherence; organization of business; community of interest—*Order:* dismissing Petition for Investigation and Certification of representative of employees in one plant only.

Mr. Edward Schneider, for the Board.

Mr. Robert H. Montgomery, of Boston, Mass., for the Company.

Mr. William J. Carlos, of Providence, R. I., for the Independent.

Mr. Joseph Sylvia, of Providence, R. I., and *Mr. Frank J. Manning*, of Boston, Mass., for the T. W. O. C.

Mr. Victor A. Pascal, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

On October 7, 1937, Independent Textile Union of Olneyville, herein called the Independent, filed with the Regional Director for the First Region (Boston, Massachusetts) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of American Woolen Company.¹ Providence, Rhode Island, herein called the Company, at its National and Providence Worsted Mills, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On November 1, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered an investigation and authorized the Regional

¹In the order directing investigation and hearing, the Company is referred to as "American Woolen Company, Nat'l & Providence Mills" The correct name of the Company is "American Woolen Company."

Director to conduct it and to provide for an appropriate hearing upon due notice.

On November 9, 1937, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, upon the Independent, and upon Local 54, Textile Workers Organizing Committee, herein called T. W. O. C., a labor organization claiming to represent employees directly affected by the investigation. Pursuant to the notice, a hearing was held on November 18, 1937, at Providence, Rhode Island, before George Bokart, the Trial Examiner duly designated by the Board. The Board, the Company, and the Independent were represented by counsel, the T. W. O. C. was represented by its representatives, and all participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. During the course of the hearing the Trial Examiner made several rulings on motions and on objections to the admission of evidence. The Board has reviewed the rulings of the Trial Examiner and finds that no prejudicial errors were committed. The rulings are hereby affirmed.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The American Woolen Company is a Massachusetts corporation, having its principal executive and sales offices in New York City. It owns and operates 27 mills located in eight different States, including three mills in the State of Rhode Island. These three mills are known as the National and Providence Worsted Mills, herein called the National Mill, the Manton Mill, and the Weybosset Mill.

The National Mill is engaged in the manufacture of worsted fabrics. It is a weaving mill and performs no spinning or other preliminary process. The principal raw material used by the mill is yarn, the value of which exceeds \$1,000,000 a year, all of which is shipped to it from outside Rhode Island. The approximate amount of the total sales of the products of the mill during 1936 and the first six months of 1937 was \$2,100,000 and \$1,350,000, respectively. All the finished product was shipped to points outside of Rhode Island. Between September 4, 1937 and November 13, 1937, the total number of individuals engaged in production and maintenance work in the mill varied from 388 to 539.

The Manton Mill is also engaged in the manufacture of worsted fabrics. Its raw materials, methods of manufacture, and finished products, except for the patterns of its products, are similar to those of the National Mill. Substantially all the raw material used

at the mill, the value of which exceeds \$800,000 a year, is shipped to it from outside of Rhode Island. The principal raw material so used is yarn. The approximate amount of the total sales of the products of this mill during 1936 and the first nine months of 1937 was \$1,200,000 and \$1,100,000, respectively. All its finished product was shipped to points outside of Rhode Island. During its relatively busy periods, the mill employs between 350 and 400 workers.

The Weybosset Mill is engaged in the manufacture of woolen fabrics. Like the National and Manton Mills, this mill engages in weaving, but, unlike them, also performs preliminary processing and spinning. Substantially all the raw material used at the mill, the value of which exceeds \$700,000 a year, is shipped to it from outside of Rhode Island. The principal raw materials so used are wool, reworked wool, silk, and cotton. The approximate amount of the total sales of the products of this mill during 1936 and the first nine months of 1937 were \$1,800,000 and \$1,700,000, respectively. This was all shipped to points outside of Rhode Island. The mill normally employs between 700 and 800 workers.

II. THE ORGANIZATIONS INVOLVED

Independent Textile Union of Olneyville is an independent labor organization, admitting to its membership all production and maintenance workers in the National Mill, including mill clerks, and excluding overseers and second hands.

Local 54, Textile Workers Organizing Committee, is a labor organization affiliated with the Committee for Industrial Organization. It admits to its membership all production and maintenance workers in the National, Manton, and Weybosset Mills, and excludes mill clerks and those employees engaged in supervisory work.

III. THE APPROPRIATE UNIT

The Independent claims that the production and maintenance employees in the National Mill, excluding clerical and supervisory employees, constitute an appropriate unit for the purposes of collective bargaining. T. W. O. C. claims that the appropriate unit should be composed of the production and maintenance employees in all three mills, excluding clerical and supervisory employees. It has included within its membership production and maintenance employees in all three mills. The Company was willing to stipulate that the appropriate unit should be composed of the employees in the three mills.

All the three mills are located in the Olneyville section of Providence and within a radius of three or four miles, the distance between the National and Weybosset Mills being less than one mile. Most of

the employees in all three mills reside comparatively near to each other. The operations carried on at the National and Manton Mills and in the weaving division of the Weybosset Mill are substantially alike. Although the three mills have separate resident managers, the labor policies in the three mills are determined at the executive offices of the Company in New York City, with the result that working conditions and wages at the three mills are similar. We feel that the interests of the employees in the three mills are closely related and that the employees in the three mills should be included within the bargaining unit. We are of the opinion on the basis of the record in this case that a unit composed solely of employees in the National Mill is not appropriate for the purposes of collective bargaining.

IV. THE QUESTION CONCERNING REPRESENTATION

The petition in this case, as pointed out in Section III above, relates solely to the employees of the Company at the National Mill. We have found in Section III that a unit composed solely of employees in the National Mill is not appropriate for the purposes of collective bargaining. We find, therefore, that no question has arisen concerning representation of employees of the Company at its National Mill.

Upon the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

CONCLUSION OF LAW

No question concerning the representation of employees of American Woolen Company, Providence, Rhode Island, at its National and Providence Worsted Mills, exists within the meaning of Section 9 (c) of the National Labor Relations Act.

ORDER

Upon the basis of the foregoing findings of fact and conclusion of law the National Labor Relations Board hereby dismisses the Petition for Investigation and Certification filed by Independent Textile Union of Olneyville.

[SAME TITLE]

AMENDMENT TO DECISION

March 3, 1938

On February 8, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Order, in the above-entitled proceeding, dismissing the Petition for Investigation and Certifica-

tion filed by Independent Textile Union of Olneyville. In accordance with the record in the proceeding, the Board stated in the Decision, "The Company was willing to stipulate that the appropriate unit should be composed of the employees in the three mills." Counsel for the Company informed the Board by letter that the Company at all times desired to maintain an impartial attitude and that, at the hearing, the Company did not express any opinion as to the appropriate unit. Other parties participating in the hearing have indicated that they understood that the Company desired to maintain an impartial position.

The Board hereby amends its Decision by striking therefrom the words quoted above and substituting therefor the following: "The Company desires to be impartial in the matter."

Except as hereby amended, the Decision remains in full force and effect.