

In the Matter of SPRAY WOOLEN MILL *and* TEXTILE WORKERS ORGANIZING COMMITTEE

In the Matter of KARASTAN RUG MILLS *and* TEXTILE WORKERS ORGANIZING COMMITTEE

In the Matter of MARSHALL FIELD BLANKET MILL *and* TEXTILE WORKERS ORGANIZING COMMITTEE

In the Matter of MARSHALL FIELD SHEETING MILL *and* TEXTILE WORKERS ORGANIZING COMMITTEE

In the Matter of WEARWELL BEDSPREAD MILL *and* TEXTILE WORKERS ORGANIZING COMMITTEE

*Cases Nos. R-531 to 535, respectively.—Decided February 18, 1938*

*Wool and Cotton Textile and Rug Manufacturing Industries—Investigation of Representatives:* controversy concerning representation of employees in five different mills: refusal by employer to recognize petitioning union as exclusive representative—*Unit Appropriate for Collective Bargaining:* all employees at each mill, respectively, except clerical, sales, and supervisory employees; no controversy as to—*Elections Ordered*

*Mr. Jacob Blum and Mr. Herbert Eby, for the Board.*

*Mr. J. C. B. Ehringhaus and Mr. Ben C. Trotter, of Spray, N. C., for the Company.*

*Mr. Haywood D. Lisk and Mr. Gordon Chastain, of Spray, N. C., for the T. W. O. C.*

*Mr. D. R. Dimick, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

On October 15, 1937, Textile Workers Organizing Committee, herein called the T. W. O. C., filed two petitions with the Regional Director for the Fifth Region (Baltimore, Maryland) alleging that questions affecting commerce had arisen concerning the representation of employees of Marshall Field & Company, herein called the Company, at its Marshall Field & Company Woolen Mill,<sup>1</sup> Spray, North Carolina, herein called the Woolen Mill, and at its Karastan Rug

<sup>1</sup> Erroneously designated as Spray Woolen Mill in the Order of Consolidation and Directing Investigation and Hearing.

Mills, Leaksville, North Carolina, herein called the Rug Mill. On November 6, 1937, the T. W. O. C. filed three similar petitions concerning the representation of employees of the Company at its Marshall Field Blanket Mill, Draper, North Carolina, herein called the Blanket Mill, at its Marshall Field & Company Sheeting Mill,<sup>2</sup> Draper, North Carolina, herein called the Sheeting Mill, and at its Marshall Field & Company Bedspread Mill,<sup>3</sup> Spray, North Carolina, herein called the Bedspread Mill. All of the petitions requested the National Labor Relations Board, herein called the Board, to conduct investigations and to certify representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act.

On November 20, 1937, 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 investigations and authorized the Regional Director to conduct them and to provide for appropriate hearings upon due notice, and acting pursuant to Article III, Section 10 (c) (2), of said Rules and Regulations, further ordered that the cases be consolidated for the purpose of hearing.

On December 4, 1937, the Regional Director issued a notice of hearing to be held in Reidsville, North Carolina, copies of which were duly served upon the T. W. O. C., upon the Woolen Mill, upon the Rug Mill, upon the Blanket Mill, upon the Sheeting Mill, upon the Bedspread Mill, and upon Marshall Field & Company, New York City. Pursuant to the notices,<sup>4</sup> a hearing was held on December 17, 1937, at Spray, North Carolina, before D. Lacy McBryde, the Trial Examiner duly designated by the Board. The Board, the Company, and the T. W. O. C. participated in the hearing, the first two being represented by counsel and the latter by an organizer of the Textile Workers Organizing Committee. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. No motions or objections to the admission of any evidence were made at the hearing.

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

## FINDINGS OF FACT

### I. THE BUSINESS OF THE COMPANY

The Woolen Mill, Rug Mill, Blanket Mill, Sheeting Mill, and Bedspread Mill, herein collectively called the Mills, are located in

<sup>2</sup> Erroneously designated as Marshall Field Sheeting Mill in the Order of Consolidation and Directing Investigation and Hearing

<sup>3</sup> Erroneously designated as Wearwell Bedspread Mill in the Order of Consolidation and Directing Investigation and Hearing

<sup>4</sup> All parties were notified that the place of hearing was changed to Spray, North Carolina, and that the date of hearing was changed from December 13, 1937 to December 17, 1937.

three adjoining towns in the State of North Carolina, and are wholly owned and operated by Marshall Field & Company, a corporation organized under the laws of the State of Illinois. Each of the Mills receives its raw materials, manufactured parts, and other supplies from a number of States other than the State of North Carolina.

The Woolen Mill manufactures men's suiting, ladies' dress goods, coatings, and blankets; the Rug Mill manufactures rugs; the Blanket Mill manufactures blankets; the Sheeting Mill manufactures sheeting, casing, and pillow tubing; and the Bedspread Mill manufactures bedspreads and yarns. Ninety per cent of the products manufactured by each of the Mills are sold outside of the State of North Carolina. The Mills utilize salesmen, retailers, and mail-order houses in the disposal of the manufactured products.

Approximately the following number of workers are employed at each of the Mills: The Woolen Mill 450, the Rug Mill 150, the Blanket Mill 1,000, the Sheeting Mill 570, and the Bedspread Mill 385.

## II. THE ORGANIZATION INVOLVED

Textile Workers Organizing Committee is a labor organization affiliated with the Committee for Industrial Organization. The record is silent as to the classes of employees of the Company employed at the Mills that are eligible to membership in the organization.

## III. THE QUESTION CONCERNING REPRESENTATION

It is alleged in substance in the five petitions<sup>5</sup> for investigation and certification of representatives filed by the T. W. O. C., that the national office of the Textile Workers Organizing Committee endeavored without success to negotiate an agreement with the officials of the Company and that said Company refused to bargain collectively with the T. W. O. C. During the hearing the Board's representative made a statement, which statement was agreed to by the Company and the T. W. O. C. for the purposes of the record, to the effect that a question of representation had arisen between the management of the Mills and the T. W. O. C.

We find that a question has arisen concerning the representation of the employees of the Company employed at the Mills.

## IV. THE EFFECT OF THE QUESTION CONCERNING REPRESENTATION UPON COMMERCE

We find that the question concerning representation which has arisen, occurring in connection with the operations of the Company

<sup>5</sup> Board Exhibit 1.

at its Mills described in Section I above, has a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tends to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

#### V. THE APPROPRIATE UNIT

The T. W. O. C. claims that all employees of the Company at each Mill, respectively, exclusive of clerical, sales, and supervisory employees constitute, in the case of each Mill, a unit appropriate for the purposes of collective bargaining. The Company raised no objections to such bargaining units.

We find that all employees of the Company at each Mill, respectively, except clerical, sales, and supervisory employees, constitute, in the case of each Mill, a unit appropriate for the purposes of collective bargaining and that said units will insure to employees of the Company at its Mills the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.

#### VI. THE DETERMINATION OF REPRESENTATIVES

We find that the questions which have arisen concerning the representation of the Company's employees at its Woolen Mill, Rug Mill, Blanket Mill, Sheeting Mill, and Bedspread Mill, respectively, can best be resolved by the holding of elections by secret ballots at each of the afore-mentioned Mills to determine whether the employees wish the T. W. O. C. to represent them. Those employees of the Company in the appropriate unit who were employed during the pay-roll period next preceding the filing of the petition in each case shall be eligible to vote, except those employees who have quit or have been discharged for cause between that period and the date of the election.

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

#### CONCLUSIONS OF LAW

1. Questions affecting commerce have arisen concerning the representation of employees of Marshall Field & Company at each of the Mills, respectively, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. All the employees of the Company at each Mill, respectively, except clerical, sales, and supervisory employees, constitute, in the case of each Mill, a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

## DIRECTION OF ELECTIONS

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended, it is hereby

DIRECTED that, as part of the investigations authorized by the Board to ascertain representatives for the purposes of collective bargaining, elections by secret ballot shall be conducted within a period of fifteen (15) days from the date of this Direction of Elections, under the direction and supervision of the Regional Director for the Fifth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among all employees of Marshall Field & Company who were on the pay roll of the Company at its Marshall Field & Company Woolen Mill, Spray, North Carolina, at its Karastan Rug Mills, Leaksville, North Carolina, at its Marshall Field Blanket Mill, Draper, North Carolina, at its Marshall Field & Company Sheeting Mill, Draper, North Carolina, and at its Marshall Field & Company Bedspread Mill, Spray, North Carolina, during the pay-roll period next preceding the filing of the petition relating to each respective Mill, exclusive of clerical, sales, and supervisory employees and except those who have since quit or have been discharged for cause between that period and the date of the election, to determine whether or not they desire to be represented by Textile Workers Organizing Committee, for the purposes of collective bargaining.