

In the Matter of INGRAM MANUFACTURING COMPANY and TEXTILE
WORKERS ORGANIZING COMMITTEE

Cases Nos. C-335 and R-234

AMENDMENT TO DIRECTION OF ELECTION

March 30, 1938

On March 11, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election¹ in the above-entitled proceeding, the election to be held within twenty (20) days from the date of the Direction, under the direction and supervision of the Regional Director for the Tenth Region (Atlanta, Georgia). The Board, having been advised that a longer period is necessary, hereby amends the Direction of Election issued on March 11, 1938, by striking therefrom the words "within twenty (20) days from the date of this Direction" and substituting therefor the words "within thirty-five (35) days from the date of this Direction".

MR. EDWIN S. SMITH took no part in the consideration of the above Amendment to Direction of Election.

[SAME TITLE]

SUPPLEMENTAL DECISION

AND

SECOND AMENDMENT TO DIRECTION OF ELECTION

April 8, 1938

On March 11, 1938, the National Labor Relations Board, herein called the Board, issued a Decision, Order, and Direction of Election in the above-entitled proceeding. On March 30, 1938, the Board issued an Amendment to Direction of Election extending the period during which the election could be held.

The Direction of Election, as amended, specified that those eligible to vote should be those employees of Ingram Manufacturing Company, herein called the respondent, within the appropriate unit and on the pay roll during the pay-roll period next preceding the date of the Direction. On March 30, 1938, Textile Workers Organizing Committee, herein called the T. W. O. C., petitioned for an amendment to the Direction of Election on the ground that during the

¹ 5 N. L. R. B. 908.

pay-roll period next preceding the date of the Direction the operations of the respondent were so greatly reduced as to make the specified pay roll unrepresentative. In its petition, the T. W. O. C. requested that December 18, 1937, should be employed as the date for eligibility. The Board has been advised by the Regional Director for the Tenth Region (Atlanta, Georgia) that the date of December 18, 1937, is the one most representative of the Company's normal conditions of production.

On March 30, 1938, the Board was advised by counsel for the respondent that the ownership of the Rug Department, in which tufted fabrics such as rugs, bath mats, and bed spreads were manufactured, had been transferred to Tennessee Tufting Company and that the employment of workers in that department by the respondent had terminated subsequent to the pay-roll date of December 18, 1937, and that those workers would become employees of Tennessee Tufting Company beginning the week of April 4, 1938. In its petition of March 30, 1938, the T. W. O. C. concedes the fact of the transfer of ownership of the Rug Department and joins in the respondent's request that employees in the Rug Department be excluded from those eligible to vote in the election.

In view of the different conditions which now exist, we find it necessary to amend our Decision, Order, and Direction of Election, above referred to, in the following manner:

AMENDMENT OF FINDINGS OF FACT

1. After the fifth paragraph of Section I, entitled "The business of the respondent", of the Findings of Fact of said Decision, Order, and Direction of Election, the following additional Finding of Fact is made:

"Prior to April 4, 1938, the respondent abandoned production in its Rug Department in which it had previously carried on the manufacture of bath mats, rugs, and bed spreads. The operations of the Rug Department are being carried on in another plant by Tennessee Tufting Company."

2. The second paragraph of Section VII, entitled "The appropriate unit", of the Findings of Fact of said Decision, Order, and Direction of Election, is hereby deleted and the following substituted therefor:

"Prior to April 4, 1938, workers in the Rug Department ceased to be employees of the respondent and will therefore be excluded from the appropriate unit.

"We find that the production employees of the respondent, excluding foremen, supervisory employees, and clerical employees, and excluding also all workers in the Rug Department, constitute a unit appropriate for the purposes of collective bargaining, and that said unit will insure to employees of the respondent the full benefit of their right to self-

organization and collective bargaining and otherwise effectuate the policies of the Act.”

3. The second paragraph of Section VIII, entitled “The determination of representatives”, of the Findings of Fact of said Decision, Order, and Direction of Election, is hereby deleted and the following substituted therefor:

“Those eligible to vote shall be the employees of the respondent in the appropriate unit who were on the pay roll as of December 18, 1937, excluding those who have since quit or been discharged for cause between such date and the date of election.”

AMENDMENT OF CONCLUSIONS OF LAW

The Conclusion of Law marked “6”, of the said Decision, Order, and Direction of Election, is hereby deleted and the following Conclusion of Law substituted therefor:

“6. The production employees of the respondent, excluding foremen, supervisory employees, and clerical employees, and excluding also all workers in the Rug Department, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.”

AMENDMENT TO DIRECTION OF ELECTION

The Direction of Election, as amended, above referred to, is hereby amended by striking therefrom the words “excluding foremen, supervisory employees, and clerical employees who were employees of the respondent during the pay-roll period next preceding the date of this Direction” and substituting therefor the words “who were on the pay roll as of December 18, 1937, excluding foremen, supervisory employees, and clerical employees, and those employees who have since quit or been discharged for cause, and excluding also all workers in the Rug Department”, and by striking therefrom the words “within thirty-five (35) days from the date of this Direction” and substituting therefor the words “within fifty (50) days from the date of this Direction”.

[SAME TITLE]

THIRD AMENDMENT TO DIRECTION OF ELECTION

April 28, 1938

On March 11, 1938, the National Labor Relations Board, herein called the Board, issued a Decision, Order, and Direction of Election in the above-entitled proceeding, the election to be held within twenty (20) days from the date of the Direction, under the direction

and supervision of the Regional Director for the Tenth Region (Atlanta, Georgia). On March 30, 1938, the Board issued an Amendment to Direction of Election in the above-entitled proceeding, the election to be held within thirty-five (35) days from the date of the Direction of Election. On April 8, 1938, the Board issued a Supplemental Decision and Second Amendment to Direction of Election in the above-entitled proceeding, the election to be held within fifty (50) days from the date of the Direction of Election.

The Board, having been advised that a longer period is necessary, hereby amends the Direction of Election, as amended, by striking therefrom the words "within fifty (50) days from the date of this Direction" and substituting therefor the words "within sixty (60) days from the date of this Direction."