

In the Matter of LIMESTONE MILLS and TEXTILE WORKERS ORGANIZING
COMMITTEE

Case No. R-708.—Decided May 25, 1938

Cotton Textile Industry—Investigation of Representatives: controversy concerning representation of employees: majority status disputed by employer; employer's refusal to grant recognition of union—*Unit Appropriate for Collective Bargaining:* production and maintenance employees, excluding clerical and supervisory employees; stipulation as to—*Election Ordered*

Mr. Marion A. Prowell, for the Board.

Mr. G. W. Speer, of Gaffney, S. C., for the Company.

Mr. Cloyd L. Gibson, of Spartanburg, S. C., for the Union.

Mr. Aaron Lewittes, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

On November 19, 1937, Textile Workers Organizing Committee, herein called the Union, filed with the Regional Director for the Tenth Region (Atlanta, Georgia) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Limestone Mills, Gaffney, South Carolina, herein called the Company, 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 January 24, 1938, 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 Director to conduct it and to provide for an appropriate hearing upon due notice.

On March 24, 1938, the Regional Director issued a notice of hearing, copies of which were duly served upon the Company, and upon the Union. Pursuant to the notice, a hearing was held on April 8, 1938, at Spartanburg, South Carolina, before D. Lacy McBryde, the Trial Examiner duly designated by the Board. The Board, the Company, and the Union, were represented by counsel and partici-

pated 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. No 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

Limestone Mills is a South Carolina corporation engaged in the manufacture of print cloths in Gaffney, South Carolina. The Company employs approximately 300 persons engaged in production, maintenance, supervision, and clerical work. The Company stipulated that approximately 35 per cent of the raw materials for its plant are purchased outside the State of South Carolina, and that approximately 25 per cent of the manufactured product is shipped directly to States other than South Carolina. The Company further stipulated that the other 75 per cent of the manufactured product is delivered to a finishing plant at Lyman, South Carolina, and finally shipped outside the State.

II. THE ORGANIZATION INVOLVED

Textile Workers Organizing Committee is a labor organization affiliated with the Committee for Industrial Organization.

III. THE QUESTION CONCERNING REPRESENTATION

The Union claims to represent a majority of the employees in an appropriate unit. The Company denies that the Union has a majority and therefore refuses to recognize the Union as the exclusive collective bargaining representative.

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

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 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 Company and the Union agreed that the production and maintenance employees, excluding clerical and supervisory employees, should constitute the appropriate unit. We see no reason to alter the agreed unit. We find that the production and maintenance employees of the Company, excluding clerical and supervisory employees, constitute a unit appropriate for the purposes of collective bargaining and that said unit will insure to employees of the Company 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

The Company and the Union stipulated that if C. L. Gibson, an organizer for the Union, were called to the stand he would testify that 70 per cent, or 217 of the Company's employees, are Union members. There was no other evidence to show that the Union had a majority. Accordingly, we shall order an election.

The Company and the Union agree, and we conclude, that the employees whose names appear on the pay roll for the week ending March 5, 1938, shall be eligible to vote, excluding those who have since quit or been discharged for cause.

Upon 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. A question affecting commerce has arisen concerning the representation of employees of Limestone Mills, Gaffney, South Carolina, within the meaning of Section 9 (c) and Section 2 (6) and (7), of the National Labor Relations Act.

2. The production and maintenance employees of the Company, excluding clerical and supervisory employees, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act.

DIRECTION OF ELECTION

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, 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 investigation authorized by the Board to ascertain representatives for the purposes of collective bargaining

with Limestone Mills, an election by secret ballot shall be conducted within fifteen (15) days from the date of this Direction of Election under the direction and supervision of the Regional Director for the Tenth 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—Series 1, as amended, among all the production and maintenance employees whose names appear on the Company's pay roll for the week ending March 5, 1938, excluding clerical and supervisory employees and any other employees who have since quit or been discharged for cause, to determine whether or not they desire to be represented by Textile Workers Organizing Committee for the purposes of collective bargaining.

[SAME TITLE]

AMENDMENT TO DIRECTION OF ELECTION

June 8, 1938

On May 25, 1938, the National Labor Relations Board, herein called the Board, issued a Direction of Election in the above-entitled proceeding, the election to be held within fifteen (15) days from the date of Direction, under the direction and supervision of the Regional Director for the Tenth Region (Atlanta, Georgia).

The Board, upon the recommendation of the Regional Director, for good cause shown, hereby amends its Direction of Election by striking therefrom the words "within fifteen (15) days from the date of this Direction of Election" and substituting therefor the words "at such time as the Board will in the future direct."

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