

In the Matter of BEAVER MILLS—LOIS MILL *and* LOCAL No. 1871,
UNITED TEXTILE WORKERS OF AMERICA

Case No. R-12

DIRECTION FOR ELECTION

January 14, 1936

The National Labor Relations Board having found that a question affecting commerce has arisen concerning the representation of the employees of the production and maintenance departments of the Beaver Mills-Lois Mill, Douglasville, Georgia, and acting pursuant to the power vested in the National Labor Relations Board by Section 9 of the National Labor Relations Act, approved July 5, 1935, and pursuant to Article III, Section 8 of the National Labor Relations Board Rules and Regulations—Series 1, hereby

DIRECTS that as part of the investigation authorized by the Board in the above case to ascertain representatives for collective bargaining with the Beaver Mills-Lois Mill, an election by secret ballot shall be conducted within a period of one week from the date of this Direction for Election, under the direction and supervision of the Regional Director for the Tenth Region, acting in this matter as the agent of the National Labor Relations Board and subject to Article III, Section 9 of said Rules and Regulations, among the employees engaged in the production and maintenance departments of the Beaver Mills-Lois Mill on November 23, 1935 and those employed between that date and the date of this Direction for Election in the production and maintenance departments, excepting overseers, second hands, supervisory, and clerical employees, and those who quit or have been discharged for cause during such period, to determine whether or not they desire to be represented by Local 1871, United Textile Workers of America.

MR. CARMODY took no part in the consideration of the above Direction for Election.

[SAME TITLE]

Decision, February 8, 1936

Cotton Textile Industry—Representatives: proof of choice: petition designating; membership in union—*Unit Appropriate for Collective Bargaining:* eligibility for membership in only organization making bona fide effort at collective

bargaining; production and maintenance employees—*Election Ordered*: question affecting commerce: confusion and unrest among employees—controversy concerning representation of employees: request by substantial number in appropriate unit—*Interference, Restraint or Coercion*: by civic club.

Mr. Thomas I. Emerson for the Board.

Spalding, Sibley, Troutman & Brock, by *Mr. P. F. Brock*, of Atlanta, Ga., and *Mr. Francis H. Baldy*, of New York City, for the Company.

Mr. Frank Constanagy, of Atlanta, Ga., for the Union.

Mr. Joseph Rosenfarb, of counsel to the Board.

DECISION

STATEMENT OF CASE

On October 21, 1935, Local No. 1871, United Textile Workers of America, hereinafter called the union, acting pursuant to Article III, Section 1 of the Rules and Regulations—Series 1, filed with the National Labor Relations Board a petition for an investigation and certification of representatives of employees in the Lois Mill of Beaver Mills, hereinafter called the company, pursuant to Section 9 (c) of the National Labor Relations Act, approved July 5, 1935. On November 12, 1935, this Board, pursuant to Article III, Section 3 of Rules and Regulations, authorized the Regional Director for the Tenth Region to conduct an investigation and to provide for an appropriate hearing upon due notice. Notice of hearing was issued and duly served, and hearings were held on December 3 and 4, 1935, before a Trial Examiner designated by the Board.

The company appeared through counsel and filed a motion to dismiss the proceedings. This motion was denied by the Trial Examiner. The company then filed a plea to the jurisdiction of the Board and in abatement of the proceedings. Testimony was taken on this plea by the Trial Examiner and decision was reserved. The company also filed a second motion to dismiss on the merits, upon which decision was likewise reserved, and an answer. By stipulation the evidence taken on the plea to the jurisdiction is also to be considered on the merits.

The ruling of the Trial Examiner on the first motion to dismiss is hereby affirmed. The plea to the jurisdiction and in abatement, and the second motion to dismiss, upon which decision was reserved, are hereby denied.

From the evidence adduced at the hearing the National Labor Relations Board promulgates the following:

FINDINGS OF FACT

1. The Beaver Mills is a corporation organized and existing under the laws of the State of Massachusetts, with its principal office in New York City. It owns and operates a textile mill in Douglasville, Georgia, known as the Lois Mill. As of November 23, 1935, there were 232 employees at the Lois Mill. The company also owns a textile mill in Asheville, North Carolina, and one in Waterford, New York, neither of which, however, it has operated for the last few years.

2. The same group of stockholders which owns a controlling share in the Beaver Mills likewise owns a controlling interest in the Martel Mills and the Henrietta Mills. The Martel Mills is incorporated in Delaware and operates six mills, one in Georgia and the remainder in North and South Carolina. The Henrietta Mills is incorporated in North Carolina and operates two mills in North Carolina and one in South Carolina. The officers of the Beaver Mills, Martel Mills and Henrietta Mills are identical.

3. The Lois Mill is engaged in the manufacture of cotton goods, principally broad cloth. It converts raw cotton into the gray state of the product, the finishing being done at other mills.

4. The cotton from which the Lois Mill produces its cotton goods is purchased through a cotton buyer located in Henrietta, North Carolina, from merchants and other sellers located in New Orleans, Memphis, Dallas and other concentration points outside the State of Georgia. All of the cotton used by the Lois Mill is grown in and shipped from states other than Georgia, principally from Arkansas and also from Texas, Louisiana, Mississippi and other states. The cotton is shipped to the Lois Mill by rail. It is then stored in the warehouse of the Mill where there is normally a six to ten weeks' supply on hand. The Lois Mill consumes about 75 bales a week or about 4,000 bales a year.

5. The Lois Mill also consumes about 5,000 tons of coal a year, six to eight weeks' supply of which is normally on hand in the yard of the Mill. All the coal is obtained from Tennessee and Kentucky.

6. Certain miscellaneous supplies are obtained from outside of Georgia; starch is shipped from Illinois; burlap is bought in New York and shipped from points in South Carolina and Georgia; machine supplies are obtained in Massachusetts. Sizing and belting are obtained from Georgia.

7. The Lois Mill produces 35,000 pounds of cotton goods a week. All of this is sold through Catlin Farish Company of New York, commission merchants, who are exclusive selling agents for the mills. Shipments from the Mill are by rail, f. o. b. Douglasville, Georgia.

8. More than 90 per cent of the products of the Mill are shipped to points outside of the State of Georgia. The greater part of this is sent to finishing plants in Massachusetts, South Carolina and other states.

9. Goods shipped by the Mill to finishing plants are in the normal course shipped out from such plants, after being finished, to all points in the United States where they are worked up into clothing and other finished goods which are in turn shipped to various points in the United States.

10. The Beaver Mills is in keen competition with mills all over the southern and eastern states which produce the same type of fabric.

11. All of the aforesaid constitutes a continuous flow of trade, traffic and commerce among the several states.

12. In September 1934 a strike occurred in the Lois Mill which lasted for a period of about four weeks. During that time the Mill did not operate; nor did it make any shipments of its products.

13. In September, 1933, Local No. 1871 of the United Textile Workers of America, a labor organization affiliated with the American Federation of Labor, was organized among the production and maintenance employees of the Lois Mill.

14. During a period of several weeks following July 9, 1935, a petition was circulated by members of the union among the employees of the Mill authorizing the union and the Georgia Federation of Labor to act as collective bargaining representatives and to enter into negotiations with the management for an agreement concerning wages, hours, and conditions of work. The petition was not circulated in the plant. About 236 employees of the Mill signed the petition, of whom 189 were on the payroll of the Mill on November 23, 1935.

15. At a meeting of the union on July 13, 1935, a bargaining committee, which included the President of the Georgia Federation of Labor, was appointed to negotiate with the management. On or about August 1, 1935, the committee conferred with the management in the offices of the Mill. The management did not at that time question the right of the committee to represent the employees.

16. On or about July 17, 1935, the management closed down the Lois Mill.

17. During September and October, 1935, the Civitan Club of Douglasville, Georgia, prepared and caused to be circulated among the employees of the Lois Mill, a petition reading as follows:

"We, the undersigned former employees of Beaver Mill, affirm our loyalty and confidence in the managers, H. C. Dresser and T. W. Haddle, and respectfully ask that if it is at all practical

and can be done without material loss to the company, that operations of the mill be resumed as soon as possible.

“We are all in desperate need of work and agree to such rules and regulations as are in effect at other mills in this section of the country.”

18. On or about October 15, 1935, the Lois Mill was reopened. The maximum hours fixed by the Textile Code were retained, the work load was increased, and wages were reduced, but not below the minimum fixed by the Textile Code.

19. Shortly after the notice of hearing was served on the parties in this proceeding the Civitan Club prepared and caused to be circulated among the employees of the Lois Mill a second petition reading as follows:

“GENTLEMEN: We, the undersigned employees of Beaver Mills-Lois Mill, Douglasville, Georgia, are satisfied with our working conditions and do not want any elections in our mill or any other interference.”

This petition was circulated in the Mill, during working hours and in the presence of the foremen, by J. W. Wortham, a steam engine operator in the Mill, and Grady Cole, a section hand in the Mill. The petition was signed by 185 employees.

20. The Civitan Club of Douglasville is composed of business men in Douglasville and includes in its membership the mayor of Douglasville and several of the councilmen. The Club is openly and actively opposed to the selection by the employees of the Lois Mill of representatives who are not employees of said Mill or residents of Douglasville, and to the participation by such persons in the activities of said employees relating to self-organization and collective bargaining.

21. Ever since its organization, the union has been an active, functioning organization, and has held regular meetings at which attendance has varied from 75 to 150.

22. A state of uneasiness, tension, and bitterness on the question of representation exists among the employees of the Lois Mill. The situation thus existing tends to lead to labor disputes which have the necessary effect of burdening and obstructing commerce and the free flow of commerce by materially affecting, restraining, and burdening the free flow of cotton to the Lois Mill and the free flow of cotton goods from the Lois Mill.

23. All the employees in the Lois Mill except the supervisory and clerical force are eligible for membership in Local No. 1871, United Textile Workers of America. No other labor organization exists or has in recent years existed in said Mill.

CONCLUSIONS OF LAW

1. The production and maintenance employees of the Lois Mill, which includes all employees except the executive and managerial staff, overseers, second hands, clerical employees, and mill policemen, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

2. A question affecting commerce has arisen concerning the representation of the production and maintenance employees of the Lois Mill, within the meaning of Section 9 (c) of the Act.