

In the Matter of SAXON MILLS and LOCAL UNION No. 1882, UNITED  
TEXTILE WORKERS OF AMERICA

*Case No. R-11.—Decided January 15, 1936*

*Cotton Textile Industry—Strike—Unit Appropriate for Collective Bargaining: plant—Election Ordered:* question affecting commerce: confusion and unrest among employees—controversy concerning representation of employees: majority status disputed by employer; request by substantial number in appropriate unit—*Certification of Representatives.*

*Mr. Mortimer Kollender* for the Board.

*Mr. L. W. Perrin* and *Mr. J. A. Law*, of Spartanburg, S. C., for the Company.

*Mr. John C. Williams* and *Mr. C. C. Brown*, of Spartanburg, S. C., for Local No. 1882.

*Mr. Melvin C. Smith*, of counsel to the Board.

## DECISION

### STATEMENT OF CASE

A petition for an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, approved July 5, 1935, and Article III, Section 1, of the National Labor Relations Board Rules and Regulations—Series 1, was filed with the Regional Director for the Tenth Region by Local Union No. 1882, United Textile Workers of America, on October 25, 1935, alleging that a question affecting commerce had arisen concerning the representation of the employees of Saxon Mills. The National Labor Relations Board duly authorized the Regional Director to conduct an investigation pursuant to Section 9 (c) of the Act. In connection therewith the Regional Director issued a Notice of Hearing, November 4, 1935, setting a hearing for November 14, 1935, at 10 o'clock in the forenoon, Federal Building, Spartanburg, South Carolina. On November 11, 1935 an amended notice of hearing was issued by the Regional Director and duly served, postponing the hearing from November 14, 1935, to November 21, 1935, at the same time and place. A hearing was held on November 21 and 22, 1935, before a Trial Examiner designated by order of the Board. The Saxon Mills was represented by counsel and participated in the proceedings. Upon

the evidence adduced at the hearing and from the entire record now before it the National Labor Relations Board promulgates the following:

#### FINDINGS OF FACT

1. The Saxon Mills is a corporation organized under and existing by virtue of the laws of the State of South Carolina, having its principal office and place of business immediately adjacent to the City of Spartanburg, in the County of Spartanburg, State of South Carolina, and is now and has continuously been engaged in its plant in the County of Spartanburg, State of South Carolina, in the production and sale of cotton goods, principally cotton print cloth.

2. The cotton goods manufactured by the Saxon Mills are produced from cotton obtained principally from states other than South Carolina, i. e., North Carolina, Georgia, Alabama, Arkansas, Tennessee, Mississippi and Oklahoma. The cotton is purchased at the Saxon Mills warehouse, to which it is shipped by any one of several purchasing agents, having offices in the City of Spartanburg, South Carolina, with whom the Saxon Mills contracts for supply of said cotton upon demand. The Saxon Mills warehouse is a part of and bonded by the State Warehouse-System.

More than ninety-five percent of the cotton goods manufactured by the Saxon Mills is shipped to various states of the United States other than the State of South Carolina. All of the cotton goods reach the markets through Wm. Iselin & Co., of New York, N. Y., a cotton factor, and Iselin, Jefferson & Co., of New York, N. Y., commission merchants. A portion of the Saxon Mills warehouse is leased to Wm. Iselin & Co., who employ a custodian for the premises, to whom the cotton goods are consigned. Subsequently the cotton goods are released from the warehouse for sale through Iselin, Jefferson & Co. All shipments are made f. o. b. Saxon Mills or Spartanburg, and all invoices are billed to Iselin, Jefferson & Co., who collect therefor.

3. Local Union No. 1882, United Textile Workers of America, hereinafter referred to as Local No. 1882, is a labor organization affiliated with the American Federation of Labor. Local No. 1882 was organized and received its charter from the United Textile Workers of America in September, 1933. Employees of Saxon Mills not employed in a supervisory or clerical capacity are eligible for membership in Local No. 1882.

4. Subsequent to the organization of Local No. 1882, a Shop Committee, composed of three members, was elected by Local No. 1882 for the purpose of meeting and bargaining with the management of the Saxon Mills in matters concerning the employees of the Saxon Mills. The Shop Committee did so meet with the management of the Saxon Mills, but the management does not and has never acknowledged,

although it has been so informed by the Shop Committee on various occasions, that the Shop Committee or Local No. 1882 represents a majority of its employees.

5. On September 1, 1934, at the same time that a general strike in the textile industry was in progress, a strike was called by Local No. 1882 at the Saxon Mills and all of the employees went out on strike and the plant closed down. The strike lasted for approximately three weeks, and the Saxon Mills did not resume operations until five or six days after the strike was called off.

6. On July 19, 1935 a meeting was held between the management of Saxon Mills and the Shop Committee, at which meeting certain grievances concerning conditions of employment, decreased wages and increased work loads were presented by the Shop Committee. No adjustment was made of these matters, and on July 30, 1935 a strike was called by Local No. 1882 and the Saxon Mills ceased operations, closed the plant, and has never resumed operations since July 30, 1935. The strike is still in progress, and meetings between the management of the Saxon Mills and the Shop Committee subsequent to July 30, 1935, with a view to reaching a satisfactory strike settlement, have been to no avail.

7. As of July 30, 1935 there were 513 employees on the Saxon Mills payroll, 484 of whom were employed in the mill proper, inclusive of supervisors, foremen and second hands, but exclusive of store employees, outside employees and clerical employees. The exact number of employees, exclusive of those engaged in a supervisory or clerical capacity, is not in evidence.

The membership rolls of Local No. 1882 disclose that 274 employees of the Saxon Mills were members of the local union as of July 30, 1935, and 56 new members, employees of the Saxon Mills, have joined Local No. 1882 since July 30, 1935, making a total of 330, the present membership.

8. On August 12, 1935 approximately 312 employees of the Saxon Mills signed statements giving their support to the Shop Committee and agreeing not to return to work until a satisfactory settlement had been reached. However, it appears in the record that, subsequent to August 12, 1935, forty to fifty or more of the employees who had signed such statements have informed the management of the Saxon Mills that they no longer wish Local No. 1882 to represent them in matters of collective bargaining.

9. As previously stated all employees of Saxon Mills, with the exception of those engaged in a supervisory or clerical capacity, are eligible for membership in Local No. 1882. No issue has been raised in this matter relative to whether such a unit is a unit appropriate for the purposes of collective bargaining.

## CONCLUDING FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. A majority of the raw cotton used by the Saxon Mills in the course and conduct of its business at its plant located in Spartanburg County, South Carolina, is purchased and transported in interstate commerce from and through states of the United States other than the State of South Carolina, and substantially all of its cotton goods manufactured at the aforesaid plant are sold and transported in interstate commerce to, into and through states of the United States other than the State of South Carolina, all of the aforesaid constituting a continuous flow of trade, traffic and commerce among the several states.

2. Local No. 1882 has been selected by a substantial number of employees of the Saxon Mills to represent them for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.

3. The Saxon Mills denies and has continuously denied any knowledge or proof that Local No. 1882 represents a majority of its employees, whereas Local No. 1882 maintains that it does so represent a majority and has so informed the Saxon Mills both previous and subsequent to July 30, 1935. These conflicting assertions have given rise to a question concerning the representation of employees and created a confusion now existing among the employees.

4. This question is one affecting commerce, in that the uncertain situation existing among the employees has led and tends to lead to labor disputes. This in turn has the necessary effect of burdening and obstructing commerce and the free flow thereof by materially affecting, restraining and burdening the free flow of cotton to the Saxon Mills and the free flow of cotton goods from the Saxon Mills.

5. The employees on the payroll of the Saxon Mills as of July 30, 1935, exclusive of those in a supervisory capacity and clerical employees, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act, approved July 5, 1935.

6. It is the conclusion of the National Labor Relations Board that a question affecting commerce has arisen concerning the representation of employees of the Saxon Mills within the meaning of Section 9 (c) of the Act.

## DIRECTION OF ELECTION

By virtue of and 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, it is

DIRECTED that, as part of the investigation authorized by the Board in the above case to ascertain representatives for collective bargaining with the Saxon Mills, County of Spartanburg, State of South Carolina, an election by secret ballot shall be conducted within a period of one week from the date of this decision, 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, except the supervisory and clerical force, on the payroll of the Saxon Mills on July 30, 1935, to determine whether or not they desire to be represented by Local Union No. 1882, United Textile Workers of America.

[SAME TITLE]

### CERTIFICATION OF REPRESENTATIVES

*February 11, 1936*

A petition for an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, approved July 5, 1935, and Article III, Section 1 of National Labor Relations Board Rules and Regulations—Series 1, was filed with the Regional Director for the Tenth Region by Local Union No. 1882, United Textile Workers of America, on October 25, 1935, alleging that a question affecting commerce had arisen concerning the representation of employees of Saxon Mills, Spartanburg County, South Carolina. The National Labor Relations Board duly authorized the Regional Director to conduct an investigation pursuant to Section 9 (c) of the Act. In connection therewith the Regional Director issued a notice of hearing, and subsequently issued an amended notice of hearing. Pursuant to the amended notice, a hearing was held on November 21 and 22, 1935, before Walter Wilbur, Trial Examiner designated by order of the Board.

Pursuant to the National Labor Relations Board's Direction of Election dated January 15, 1936, an election by secret ballot was conducted by the Regional Director on January 18, 1936, among the employees, except the supervisory and clerical force, on the payroll of Saxon Mills July 30, 1935. An intermediate report as to the results of the election, prepared by the Regional Director and served upon the parties to the proceeding, found that a majority of the employees of Saxon Mills eligible to vote had selected Local Union No. 1882, United Textile Workers of America, to represent them for the purposes of collective bargaining. A protest of election dated January 27, 1936, was filed with the Regional Director by the attorneys for Saxon Mills, and the Regional Director finding that the protest raised no substantial and material issue forwarded his report

to the National Labor Relations Board pursuant to Article III, Section 9 of National Labor Relations Board Rules and Regulations—Series 1.

NOW THEREFORE, 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, approved July 5, 1935, and pursuant to Article III, Section 8 of National Labor Relations Board Rules and Regulations—Series 1,

IT IS HEREBY CERTIFIED that Local Union No. 1882, United Textile Workers of America has been selected by a majority of the employees of Saxon Mills, except the supervisory and clerical force, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (a) of the Act, Local Union No. 1882, United Textile Workers of America is the exclusive representative of all employees, except the supervisory and clerical force, for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.

MR. SMITH took no part in the consideration of the above Certification of Representatives.