

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

Case No. R-459.—Decided January 21, 1938

Cotton Textile Industry—Investigation of Representatives: controversy concerning representation of employees; failure of negotiations for recognition of union as exclusive representative; substantial doubt as to majority status—*Unit Appropriate for Collective Bargaining:* all employees except clerical and supervisory; no controversy as to—*Election Ordered*

Mr. John T. Mahoney, for the Board.

Swift, Pease, Davidson & Swinson, by Mr. J. Q. Davidson and Mr. W. Edward Swinson, and Battle & Smith, by Mr. Willis Battle, all of Columbus, Ga., for the Company.

Dr. Witherspoon Dodge, of Columbus, Ga., for the Union.

Mr. Richard A. Perkins, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

On September 27, 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 Bradley Manufacturing Company, Columbus, Georgia, 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 October 26, 1937, 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 November 11, 1937, 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 November 26, 1937, at Columbus, Georgia, before Paul K. Hennessy,

the Trial Examiner duly designated by the Board. The Board and the Company were represented by counsel and the Union by one of its officials, and all participated 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. During the course of the hearing the Trial Examiner made several rulings on motions and on objections to the admission of evidence. A brief was filed on behalf of the Company. The Board has reviewed the rulings of the Trial Examiner and finds that no prejudicial errors were committed. The rulings are hereby affirmed.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company, a Georgia corporation, operates a single manufacturing plant at Columbus, Georgia, producing colored yarn, upholstery, and drapery. Cotton is the principal raw material used. The mill consumed 6,424 bales in the year ending August 31, 1937. All of the cotton processed at the mill is purchased in Columbus, Georgia. The origin of the cotton is not disclosed by the record, but the Company's president testified that some of it comes from outside Georgia. The Company uses each week 50 tons of coal obtained from Alabama.

In the year ending August 31, 1937, the Company manufactured 2,600,000 pounds of goods, 90 per cent of which were shipped outside of Georgia, principally to customers in Tennessee, North Carolina, Pennsylvania, and New York.

II. THE ORGANIZATION INVOLVED

Textile Workers Organizing Committee is a labor organization affiliated with the Committee for Industrial Organization, admitting to its membership all mill production employees of the Company, excluding clerical and supervisory employees.

III. THE QUESTION CONCERNING REPRESENTATION

At a meeting between Company executives and Union representatives on August 11, 1937, a Union organizer declared his belief that the Union represented a majority of the Company's employees, and discussed the manner in which such supposed majority could be ascertained to the satisfaction of the Company. The Union, however, would not submit its membership application cards to the Company for comparison with the Company's pay roll. The Union organizer asked the Company to agree to a consent election or to a certification

of the Union as the representative of the employees without an election. The Company stated that the matter was one for decision by the Board.

In its petition the Union alleged that 275 persons within the appropriate unit were employed by the Company and that of this number 225 were included within its membership.

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

At the hearing all parties seemed to agree that all the employees of the Company, exclusive of clerical and supervisory employees, constitute a unit appropriate for the purposes of collective bargaining.

We find that all the 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 collective bargaining and otherwise effectuate the policies of the Act.

VI. THE DETERMINATION OF REPRESENTATIVES

At the hearing the Union claimed to represent a majority of the employees in the appropriate unit, but offered no proof thereof.

We find that the question which has arisen concerning the representation of employees can best be resolved by holding an election by secret ballot to determine whether the employees wish the Union to represent them.

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 Bradley Manufacturing Company, Columbus, Georgia, 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, 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, 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 investigation authorized by the Board to ascertain representatives for collective bargaining with Bradley Manufacturing Company, Columbus, Georgia, an election by secret ballot shall be conducted within fifteen (15) days from the date of this Direction, 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 employees of Bradley Manufacturing Company who were employed by the Company during the pay roll period next preceding September 27, 1937, excluding clerical and supervisory employees and those who quit or were discharged for cause between such date and the date of election, to determine whether or not they desire to be represented by Textile Workers Organizing Committee for the purposes of collective bargaining.