

In the Matter of BAKER FURNITURE, INC. *and* UNITED FURNITURE
WORKERS OF AMERICA, LOCAL 426, C. I. O.

Case No. 7-R-1497.—Decided September 29, 1943

Mr. Stephen F. Dunn, of Grand Rapids, Mich., for the Company.

Mr. Russell Bogart, of Grand Rapids, Mich., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Furniture Workers of America, Local 426, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Baker Furniture, Inc., Holland, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Harold A. Cranefield; Trial Examiner. Said hearing was held at Holland, Michigan, on September 3, 1943. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Baker Furniture, Inc., is a Delaware corporation with its principal place of business at Holland, Michigan, where it is engaged in the manufacture of furniture and aircraft parts. During the first 6 months of 1943 the Company purchased raw materials for furniture manufacture valued at about \$250,000, approximately 90 percent of which was shipped to it from points outside the State of Michigan. During the

same period the Company produced furniture valued at about \$490,000, approximately 95 percent of which was shipped to points outside the State of Michigan.

II. THE ORGANIZATION INVOLVED

United Furniture Workers of America, Local 426, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of its employees until such time as the Union is certified by the Board.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

IV. THE APPROPRIATE UNIT

We find, in agreement with the parties, that all production and maintenance employees of the Company, excluding office and clerical employees, plant guards, inspectors, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

The Company contends that no election should be held at this time because many of its present employees are housewives and girls who

¹ The Regional Director reported that the Union presented 111 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of July 10, 1943. There are approximately 301 employees in the appropriate unit.

will not remain in its employ when the regular employees who are now in the armed forces of the United States are reemployed. The record indicates that the Company intends to employ the housewives and girls for the duration of the present war. We conclude that an election in the immediate future is appropriate.

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 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Baker Furniture, Inc., Holland, Michigan, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Seventh Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause, to determine whether or not they desire to be represented by United Furniture Workers of America, Local 426, affiliated with the C. I. O., for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.