

In the Matter of CRESWELL LUMBER COMPANY and WILLAMETTE VALLEY DISTRICT COUNCIL, LUMBER & SAWMILL WORKERS, LOCAL 2758, A. F. OF L.

Case No. 19-R-1162.—Decided October 26, 1943

Mr. J. L. Miminaugh, of Creswell, Oreg., for the Company.

Mr. C. F. Richards, of Eugene, Oreg., 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 Willamette Valley District Council, Lumber & Sawmill Workers, Local 2758, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Creswell Lumber Company, Creswell, Oregon, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Joseph D. Holmes, Trial Examiner. Said hearing was held at Eugene, Oregon, on September 22, 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

Creswell Lumber Company is a copartnership engaged in the operation of a sawmill at Creswell, Oregon. The Company manufactures lumber valued at about \$175,000, annually, practically all of which is shipped to points outside the State of Oregon. All logs used by the Company are obtained within the State of Oregon.

53 N. L. R. B., No. 19.

II. THE ORGANIZATION INVOLVED

Willamette Valley District Council, Lumber & Sawmill Workers, Local 2758, is a labor organization affiliated with the American Federation of Labor, 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 a Field Examiner of the Board, 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 substantial agreement with a stipulation of the parties, that all production and maintenance employees in the sawmill, loading docks, and yard of the Company at Creswell, Oregon, including watchmen² and truck drivers, but excluding office employees 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.

¹ The Field Examiner reported that the Union presented 13 membership-application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of July 31, 1943. There are approximately 27 employees in the appropriate unit.

² The record indicates that the watchmen are not militarized nor are they armed or uniformed.

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 Leonard and Baker Company, Creswell, Oregon, 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 Nineteenth 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 and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by Willamette Valley District Council, Lumber & Sawmill Workers, Local 2758, A. F. of L., for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.