

In the Matter of HILLYER-DEUTSCH-EDWARDS, INCORPORATED and  
INTERNATIONAL WOODWORKERS OF AMERICA, C. I. O.

*Case No. 15-R-995.—Decided October 28, 1943*

*Mr. Wilbur Pell*, of Shelbyville, Ind., *Mr. LeDoux Provosty*, of Alexandria, La., and *Mr. Parrish Fuller*, of Oakdale, La., for the Company.

*Mr. John L. Hawkins*, of Memphis, Tenn., and *Mr. Claude Welch*, of Oakdale, La., for the Union.

*Mr. Joseph E. Gubbins*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Woodworkers of America, affiliated with the C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Hillyer-Deutsch-Edwards, Incorporated, Oakdale, Louisiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before J. Michael Early, Trial Examiner. Said hearing was held at Alexandria, Louisiana, on September 17, 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 upon 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. Subsequent to the hearing, the Company filed a motion requesting leave to adduce additional evidence and the issuance of a subpoena duces tecum for the membership records of the Union. For reasons appearing hereinafter, the motion is hereby denied.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Hillyer-Deutsch-Edwards, Incorporated, a Louisiana corporation, is engaged at Oakdale, Louisiana, in the manufacturing of lumber and  
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lumber products. During the 6-month period from January 1 to June 30, 1943, approximately 10 percent of the total amount of raw materials purchased by the Company was shipped to its plant at Oakdale, Louisiana, from points outside the State of Louisiana. During the same period, approximately 75 percent of the entire lumber products manufactured at the plant in question was shipped to points outside the State of Louisiana.

## II. THE ORGANIZATION INVOLVED

International Woodworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Union requested recognition as the bargaining agent for the employees of the Company involved herein, but was advised by the Company that such recognition could not be granted unless and until the Union was certified by the Board.

A statement of the Regional Director, introduced in evidence, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

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

The parties agree that all production and maintenance employees should be included in the appropriate unit. They also agree that supervisory and clerical employees should be excluded from the unit. There remains a controversy, however, in that the Union seeks a unit confined to the employees at the Company's Oakdale plant and mill,

<sup>1</sup> The Regional Director's statement shows that the Union submitted 306 application-for-membership cards, 252 of which bear apparently genuine signatures, and names of persons whose names are on the Company's pay roll of August 18, 1943; there are 582 employees, including supervisory and clerical employees, listed on this pay roll. The cards submitted were dated between June 1943 and August 1943.

In support of its motion to adduce additional evidence, the Company argued that the Regional Director's statement had no probative value; that the statement was made in the absence of any representative of the Company; that the Company has no knowledge of the truth of the statements contained therein, and objected to the Trial Examiner's introduction of that statement in evidence. We find that the Company's contentions are without merit. As we have frequently stated, the report of a Board agent with respect to a claim of authorization for the purposes of representation is taken, not as proof of the precise number of employees who desire to be represented by a labor organization, but rather to protect the company and the Board from unfounded claims by such organizations and to give reasonable assurance that a substantial number of employees desire to be so represented. See *Matter of Interlake Iron Corporation*, 38 N. L. R. B. 139.

whereas the Company contends that the employees in the Company's woods operation, which is situated several miles from the plant and mill, should together with the plant and mill employees constitute a single unit.

The Company, in support of its contention, asserts that there is functional cohesion between the two operations, that the operations are under central management, and that a small number of designated logging employees are used interchangeably between such operations. Where there has been a history of collective bargaining in a unit including both logging and mill employees, the Board has found such unit to be appropriate in the absence of persuasive countervailing factors.<sup>2</sup> However, mill employees are generally geographically separated from the logging employees, possess skills different from those of the logging employees, and work under markedly different conditions. The record reveals, moreover, that the Union has confined its organizational activities to the employees of the mill. Where there is no history of collective bargaining and where a unit of mill employees coincides with the extent of organization, the Board has found a unit of such employees to be appropriate.<sup>3</sup> The record shows that a similar situation exists here.

We find that the production and maintenance employees in the Company's plant and mill at Oakdale, Louisiana, excluding the woods crew, clerical 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 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.

#### 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

<sup>2</sup> See *Matter of S. A. Agnew Lumber Co.*, 44 N. L. R. B. 1253; see also *Matter of Potlatch Forests, Inc.*, 51 N. L. R. B. 288.

<sup>3</sup> See *Dierks Lumber & Coal Company*, 52 N. L. R. B. 531.

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Hillyer-Deutsch-Edwards, Incorporated, Oakdale, Louisiana, 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 Fifteenth 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 International Woodworkers of America, affiliated with the C. I. O., for the purposes of collective bargaining.

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