

IN the Matter of PIERSON-HOLLOWELL COMPANY, INC. and UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, AFFILIATED WITH THE A. F. OF L.

Case No. 9-R-1193.—Decided November 1, 1943

Mr. Wilbur F. Pell, of Shelbyville, Ind., for the Company.

Mr. C. A. Shuey, of Indianapolis, Ind., 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 Brotherhood of Carpenters and Joiners of America, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Pierson-Hollowell Company, Inc., Lawrenceburg, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William I. Shooer, Trial Examiner. Said hearing was held in Lawrenceburg, Indiana, on October 7, 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

Pierson-Hollowell Company, Inc., is an Indiana corporation engaged in the manufacture of gun stocks and veneers at Lawrenceburg, Indiana. During the 5-month period ending August 31, 1943, the Company purchased raw materials valued in excess of \$200,000, approximately 93 percent of which was shipped to it from points

outside the State of Indiana. During the same period the Company sold products valued in excess of \$200,000, about 33 percent of which was shipped to points outside the State of Indiana.

II. THE ORGANIZATION INVOLVED

United Brotherhood of Carpenters and Joiners of America 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 agreement with a stipulation of the parties, that all production and maintenance employees at the Lawrenceburg plant of the Company, excluding office and clerical employees, plant guards, 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

¹ The Field Examiner reported that the Union presented 21 membership application cards bearing apparently genuine original signatures of persons whose names appear on the Company's pay roll of September 2, 1943. There are approximately 58 employees in the appropriate unit on that pay roll.

The Company requested a subpoena *duces tecum* for the authorization cards submitted to the Field Examiner by the Union so that it might examine them. The Trial Examiner denied the application. The ruling is hereby affirmed. After the close of the hearing, the Company requested leave to adduce additional evidence with respect to the cards submitted by the Union. The request is hereby denied. When a proceeding, such as the instant one, contemplates an election, a showing of substantial representation is made only to advise the Board that holding an election would not be a vain procedure. See *Matter of H. M. Siskin and Garrison Siskin, doing business as R. H. Siskin & Sons*, 41 N. L. R. B. 187.

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

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Pierson-Hollowell Company, Inc., Lawrenceburg, Indiana, 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 Ninth 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 United Brotherhood of Carpenters and Joiners of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

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