

In the Matter of SOUTH BAY LOGGING COMPANY and INTERNATIONAL  
WOODWORKERS OF AMERICA, LOCAL NO. 140

*Case No. 19-R-1129.—Decided November 4, 1943*

*Mr. F. F. Cornell*, of North Bend, Oreg., for the Company.

*Mr. A. F. Hartung*, of Portland, Oreg., for the I. W. A.

*Mr. J. W. McInturff*, of Marshfield, Oreg., for the A. F. L.

*Miss Frances Lopinsky*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Woodworkers of America, Local No. 140, herein called the I. W. A., alleging that a question affecting commerce had arisen concerning the representation of employees of South Bay Logging Company, Douglas County, 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 Marshfield, Oregon, on September 17, 1943. The Company, the I. W. A., and Local 2573, Lumber & Sawmill Workers Union, A. F. of L., herein called the A. F. L., appeared and participated. All parties 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 an 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

South Bay Logging Company is an Oregon partnership composed of F. F. Cornell and L. H. Cornell. It is at present engaged in

53 N. L. R. B., No. 71.

logging spruce, fir, and hemlock near Clearlake, Douglas County, Oregon. The entire output of the Company is sold to the Coos Bay Pulp Corporation at North Bend, Oregon. There the first grade logs are cut into lumber and shipped out of the State to airplane factories to be used in building airplanes. The remainder of the logs are made into crates and are shipped to California and other points outside the State of Oregon. The Company's annual output amounts to 30 million board feet.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATIONS INVOLVED

International Woodworkers of America, Local No. 140, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

Local 2573, Lumber & Sawmill Workers Union, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The I. W. A., in May 1943, addressed a letter to the Company demanding recognition as the sole bargaining representative of the Company's employees. The letter was received by the Company but was not answered.

The Company and the A. F. L. urge as a bar to this proceeding a contract entered into by them on January 24, 1941, providing for a term of 1 year, which has by its terms been automatically renewed for the years 1942 and 1943. The I. W. A. contends that the contract is no bar because the Company has moved its operations several times since the contract was signed<sup>1</sup> and because, it claims, the A. F. L. has at no time since the execution of the contract represented a majority of the employees of the Company. Since the present term of the contract is about to expire, the contract is no bar to a determination of representative to negotiate for a contract for the year 1944. It is therefore, unnecessary to pass upon the issues raised by the I. W. A.'s contention.

<sup>1</sup>The Company has taken with it to each new locus of operations all of the employees who would accompany it, and it is clear that it has carried on a continuous operation since 1941.

A statement of the Trial Examiner made at the hearing, indicates that the I. W. A. represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</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 Act.

#### IV. THE APPROPRIATE UNIT

We find, in accordance with the agreement of the parties that all production and maintenance employees of the Company at its Clearlake operation, excluding 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 payroll 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 South Bay Logging Company, Douglas County, 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 Regula-

<sup>2</sup> There are 30 names listed on the Company's September 1st pay roll. The Trial Examiner reported that the I. W. A. submitted records of the Union and application-for-membership cards indicating that 19 of the employees listed on the said pay roll have apparently signed authorization cards of the I. W. A. The A. F. L. relies upon its contract to establish its interest in the proceedings.

tions, 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 those employees 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 they desire to be represented by International Wood Workers of America, Local No. 140, affiliated with the Congress of Industrial Organizations, or by Lumber & Sawmill Workers Union, Local 2573, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.