

In the Matter of HUMBRECHT, LANGLOIS & JOHNSON Co., INC. and
INTERNATIONAL WOODWORKERS OF AMERICA, CIO

Case No. 10-R-1003.—Decided November 19, 1943

Mr. John J. Hooker, of Nashville, Tenn., for the Company.

Mr. Lucien DeSheles, of Nashville, Tenn., for the Union.

Miss Olive N. Barton, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by the International Woodworkers of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Humbrecht, Langlois & Johnson Co., Inc., Nashville, Tennessee, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Paul S. Kuelthau, Trial Examiner. Said hearing was held at Nashville, Tennessee, on October 21, 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. Opportunity was afforded all parties 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

Humbrecht, Langlois & Johnson Co., Inc. is a Tennessee corporation with its office and plant at Nashville, Tennessee, where it is engaged in the manufacture of custom woodwork. The value of raw materials and supplies annually purchased by the Company amounts to between \$60,000 and \$72,000, approximately 10 percent of which materials was shipped from points outside the State of Tennessee.

The Company's annual sales of finished products manufactured by it were valued in excess of \$100,000, of which 10 to 15 percent was shipped to customers outside the State of Tennessee. At least 50 percent of the Company's output is devoted to war purposes.

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

II. THE ORGANIZATION INVOLVED

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

III. THE QUESTION CONCERNING REPRESENTATION

On or about September 19, 1943, a representative of the Union, claiming to represent a majority, asked the Company to enter into collective bargaining relations with it on behalf of certain employees. The Company's representatives refused, pending Board certification.

A statement of the Field Examiner, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees within the unit herein found 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 Act.

IV. THE APPROPRIATE UNIT

We find in substantial agreement with a stipulation of the parties that all production and maintenance employees of the Company at its plant in Nashville, Tennessee, excluding clerical employees, draftsmen, and 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.²

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-

¹The Field Examiner reported that the Union submitted 16 applications for membership, all of which have apparently genuine original signatures corresponding with names on the Company's pay roll of September 9, 1943, which pay roll contains the names of 23 persons in the alleged appropriate unit. The applications are all dated in September, 1943.

²It is stipulated that the only supervisory employee in the Company's employ is Virgil F. Johnson.

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 Humbrecht, Langlois & Johnson Co., Inc., Nashville, Tennessee, 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 of the Tenth 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 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 or not they desire to be represented by International Woodworkers of America, affiliated with the Congress of Industrial Organizations for the purposes of collective bargaining.