

In the Matter of RODDIS LUMBER & VENEER COMPANY and INTERNATIONAL WOODWORKERS OF AMERICA, C. I. O.

Case No. 18-R-839.—Decided November 30, 1943

Mr. Conrad Olson, of Park Falls, Wis., for the Company.

Mr. W. I. Young, of Ironwood, Mich., for the I. W. A.

Mr. Ray Zimick, of Wausau, Wis., for the United.

Mr. Louis Colvin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Woodworkers of America, C. I. O., herein called the I. W. A., alleging that a question affecting commerce had arisen concerning the representation of employees of Roddis Lumber & Veneer Company, Park Falls, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Francis X. Helgesen, Trial Examiner. Said hearing was held at Park Falls, Wisconsin, on November 3, 1943. At the commencement of the hearing the Trial Examiner granted a motion of United Brotherhood of Carpenters & Joiners of America, A. F. of L., herein called the United, to intervene. The Company, the I. W. A., and the United 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

Roddis Lumber & Veneer Company is a Wisconsin corporation with its principal place of business at Marshfield, Wisconsin, where it is 53 N. L. R. B., No. 190.

engaged in the distribution and manufacture of plywood veneer. We are here concerned with its sawmill and planing mill at Park Falls, Wisconsin. During the 12-month period ending September 23, 1943, the Company processed materials valued at about \$6,000,000, 90 per cent of which was shipped to points outside the State of Wisconsin. Substantially all materials used at the Park Falls plant are shipped to it from points within the State of Wisconsin. 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 is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

United Brotherhood of Carpenters & 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

On September 20, 1943, the I. W. A. requested the Company to recognize it as the exclusive collective bargaining representative of the employees at the Park Falls plant. The Company did not reply to this request.

On November 13, 1941, the Company and the United entered into a closed-shop contract. The contract provides that it shall remain in effect until November 13, 1942. It further provides that it is terminable thereafter upon 60 days' notice of either party thereto. Inasmuch as the contract is subject to termination by either party thereto on 60 days' notice, we find that it does not constitute a bar to a determination of representatives at this time.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the I. W. A. 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 Act.

IV. THE APPROPRIATE UNIT

We find, in substantial agreement with a stipulation of the parties, that all production and maintenance employees at the Park Falls

¹ The Regional Director reported that the I. W. A. presented 53 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of October 1, 1943. There are approximately 101 employees in the appropriate unit. The United did not present any evidence of representation, but relies upon its contract as evidence of its interest in the instant proceeding.

plant of the Company, 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 means of an election by secret ballot among the employees within 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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Roddis Lumber & Veneer Company, Park Falls, Wisconsin, 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 Eighteenth 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 they desire to be represented by International Woodworkers of America, affiliated with the Congress of Industrial Organizations, or by United Brotherhood of Carpenters & Joiners of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by neither.