

In the Matter of RAY SUTTON MCGEHEE, ET AL., COPARTNERS D/B/A SOUTHERN INDUSTRIES COMPANY and JACKSONVILLE PAPER PRODUCTS AND SPECIALTY WORKERS UNION, LOCAL #506, INTERNATIONAL PRINTING PRESSMEN AND ASSISTANTS' UNION OF NORTH AMERICA, A. F. L.

Case No. 10-R-1054.—Decided January 27, 1944

Mr. Louis Kurz, of Jacksonville, Fla., for the Company.

Mr. George O. Baker, of Hapeville, Ga., for the Union.

Mr. William Strong, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by Jacksonville Paper Products and Specialty Workers Union, Local #506, International Printing Pressmen and Assistants' Union of North America, A. F. L.,¹ herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Ray Sutton McGehee, et al., Copartners doing business as Southern Industries Company,² Jacksonville, Florida, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Erwin C. Catts, Trial Examiner. Said hearing was held at Jacksonville, Florida, on December 22, 1943. The Company and the Union appeared and participated in the hearing, 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:

¹ The Union's name, incorrectly shown on the petition, notice of hearing, transcript of testimony, and exhibits in evidence, was corrected by amendment at the hearing

² The Company's name, incorrectly shown on the petition, notice of hearing, transcript of testimony and exhibits, was corrected by amendment at the hearing

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Southern Industries Company is a copartnership composed of Ray Sutton McGehee, Delia C. McGehee, C. C. McGehee, and M. R. McGehee, as trustees. It is engaged in the manufacture of various paper products at Jacksonville, Florida. During 1943 the Company used various raw materials valued in excess of \$100,000, approximately 70 percent of which was shipped from without the State of Florida. During the same period the Company manufactured products valued in excess of \$100,000, approximately 30 percent of which was shipped to points outside the State of Florida. We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Jacksonville Paper Products and Specialty Workers Union, Local #506, International Printing Pressmen and Assistants' Union of North 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 December 14, 1943, the Union requested the Company to recognize it as the exclusive collective bargaining agent of the Company's employees. The Company in effect refused to accord such recognition to the Union until the latter has been 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.³

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 the parties, that all production and maintenance employees of the Company, excluding office, clerical, and managerial employees, and supervisors, foremen, and all other supervisory employees with authority to hire, promote, dis-

³ The Field Examiner reported that the Union presented 62 membership application cards bearing apparently genuine signatures, of which 58 were the names of persons whose names appear on the Company's pay roll of December 1, 1943. There are approximately 111 employees in the appropriate unit.

charge, 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 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.⁴

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 Ray Sutton McGehee, et al., d/b/a Southern Industries Company, Jacksonville, Florida, 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 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 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 Jacksonville Paper Products and Specialty Workers Union, Local #506, International Printing Pressmen and Assistants' Union of North America A. F. L., for the purposes of collective bargaining.

⁴ The Union asks that the eligibility date for voting in the election be that of the last pay-roll period immediately preceding the date of the hearing before the Trial Examiner. We have considered the arguments offered by the Union in support of its position and conclude that no cogent reason is shown to require deviation from our normal policy with respect to the eligibility date.