

In the Matter of HURD MILLWORK CORPORATION and LOCAL 1025,  
UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,  
AFL

*Case No. 18-R-914.—Decided February 14, 1944*

*Mr. O. S. Hoebrecka*, of Medford, Wis., for the Company.

*Mr. Raymond A. Zimick*, of Wasau, Wis., for the Union.

*Messrs. Marvin Lang* and *Carl J. Freudenthal*, for the Independent.

*Mr. William Strong*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Local 1025, United Brotherhood of Carpenters and Joiners of America, AFL, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Hurd Millwork Corporation, Medford, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Clarence A. Meter, Trial Examiner. Said hearing was held at Medford, Wisconsin,<sup>1</sup> on January 7, 1944. The Company and the Union 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

Hurd Millwork Corporation, a Wisconsin corporation, is engaged at Medford, Wisconsin, in the manufacture of millwork. About 90

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<sup>1</sup> Although former officers of the Independent Millworkers Union appeared at the hearing, they stated that the Independent is no longer in existence and they had no interest in the proceeding.

percent of the raw materials used by the Company in 1943, totally valued at more than \$900,000, was brought into Wisconsin from points outside that State. During the same period about 90 percent of the Company's finished products totally valued at more than \$1,500,000, was shipped to points outside the State of Wisconsin.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

Local 1025, United Brotherhood of Carpenters and Joiners of America, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of the Company's employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union 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 substantial agreement with a stipulation of the parties, that all production and maintenance employees of the Company, excluding executives, office and clerical employees, foremen, assistant foremen, and all other 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 pay-roll period immediately preceding the date of the Direction of Election

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<sup>2</sup> The Regional Director reported that the Union submitted 143 application-for-membership cards all of which bore apparently genuine original signatures; that the names of all persons appearing on the cards were listed on the Company's pay roll of December 11, 1943, which contained the names of 225 employees in the alleged appropriate unit.

herein, subject to the limitations and additions set forth in the Direction.<sup>3</sup>

### 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 Hurd Millwork Corporation, Medford, 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 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 Local 1025, United Brotherhood of Carpenters and Joiners of America, affiliated with the American Federation of Labor for the purposes of collective bargaining.

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<sup>3</sup> The Union asks that the December 25, 1943, pay roll be used to determine eligibility for voting in the election. We have considered the Union's arguments in this respect and conclude that no cogent reason is shown requiring deviation from our normal policy with respect to the eligibility date.