

In the Matter of TOMAHAWK KRAFT PAPER COMPANY and TIMBER WORKERS' UNION LOCAL NO. 29, INTERNATIONAL WOODWORKERS OF AMERICA, C. I. O.

*Case No. 18-R-891.—Decided February 29, 1944*

*Mr. C. G. McLaren*, of Tomahawk, Wis., and *Mr. O. S. Hoebrecke*, of Rhinelander, Wis., for the Company.

*Messrs. Henry Paull* and *Ilmar Koivunen*, of Duluth, Minn., for the Union.

*Miss Melvern R. Krelow*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Timber Workers' Union, Local No. 29, International Woodworkers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Tomahawk Kraft Paper Company, Tomahawk, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stephen M. Reynolds, Trial Examiner. Said hearing was held at Duluth, Minnesota, on December 23, 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. 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

Tomahawk Kraft Paper Company is a Wisconsin corporation having its principal place of business in Tomahawk, Wisconsin, where it is engaged in the manufacture, sale, and distribution of kraft paper.

The Company operates two camps near Babbitt, Minnesota, both of which are involved in this proceeding. At these camps, the Company is engaged in producing pine pulpwood, spruce pulpwood, poplar bolts, and mining timber. For the fiscal year ending May 31, 1943, the Company produced at said camps, and shipped to points outside the State of Minnesota, 15,155 cords of pine pulpwood, 1,578 cords of spruce pulpwood, 1,172 cords of poplar bolts, and 258,000 feet of mining timber. Approximately 70 percent of the total production of said camps is shipped to points outside the State of Minnesota. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATION INVOLVED

Timber Workers' Union Local No. 29, 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

The Union notified the Company that it represented a majority of its employees, and requested a conference. The Company refused on the grounds that it doubted the Union's claimed majority, and that, in any event, it would not recognize the Union until it was certified by the Board.

A statement of the Regional Director introduced into evidence at the hearing indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</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

The Union contends that the appropriate unit should consist of all employees of the Company at its Babbitt, Minnesota, camps, including the cleaning woman at Camp No. 2, but excluding truck drivers, mechanics, and greasers, store clerks, the cleaning woman in Camp No. 1, and supervisory employees. The Company agrees generally with the Union, but would exclude the cleaning woman in Camp No. 2, and include the truck drivers, mechanics, and greasers.

<sup>1</sup> The Regional Director reported that the Union submitted 99 application cards, dated in November and December 1943, bearing apparently genuine signatures. Of the 99 cards presented, 87 bear the names of persons whose names appear on the Company's pay roll of November 15, 1943, which pay roll contains the names of 208 employees within the unit.

The record discloses that persons employed by the Company in the classifications of truck drivers, mechanics and greasers, in addition to engaging in duties normally associated with individuals in those categories, engage in other duties such as driving tractors, top loading, bull dozing, operating cranes, and other logging operations. It appears that there is frequent interchange of jobs, and even during the trucking season, which is roughly from December to March, a majority of these employees will engage in logging operations other than truck driving. All employees are under the same supervision and have similar working conditions. However, it further appears that Midwest District Council No. 12, International Woodworkers of America, C. I. O., of which the Union is a member, has entered into an agreement with Teamsters Council No. 48 of Duluth & Northern Minnesota International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, A. F. of L., whereby jurisdiction over truck drivers, mechanics, and greasers is granted to the latter organization. Pursuant to such agreement, the Union has not attempted to organize these employees, and does not admit them to membership. Under these special circumstances, we are of the opinion that, truck drivers, mechanics, and greasers, as a class, should be excluded; we shall, therefore, exclude them from the unit.

With respect to the cleaning woman in Camp No. 2, the record discloses that this employee spends about 3 hours a day making beds and changing linen in the bunkhouse. The Union contends that the duties of this employee are similar to those of a "bull cook." A "bull cook," however, is usually an older male not able to do the work of a lumberjack, who fixes fires, cleans floors, supplies wood for the fires, chopping it if necessary, and sometimes makes the beds. It is clear that the cleaning woman is engaged in duties not comparable to those of a regular "bull cook," and that her duties are not related to the duties of the other employees in the unit requested by the Union. We conclude that the cleaning woman in Camp No. 2 should be excluded from the unit; we shall exclude her.

We find that all employees of the Company at its Babbitt, Minnesota, camps, excluding store clerks, cleaning women, truck drivers, mechanics, and greasers, 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 pay-

roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

As stated hereinabove, most of the employees who fall generally within the classifications of truck drivers, mechanics, and greasers, also engage in duties similar to those of the other employees at the camps. The record indicates that only the following five employees, Fred Fenner, Joe Farkes, Kenneth Fenner, Howard Long, and Kenneth Mitchell, who appear to be assigned more regularly to production work than are the others, have, as production workers, a sufficiently substantial interest in the conditions of employment in the unit herein found appropriate and in the outcome of the election in that unit to entitle them to vote in the election hereinafter directed. Accordingly, we find that the five named individuals, although classified in the excluded job categories, shall be eligible to vote in the election.

### 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 the 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 Tomahawk Kraft Paper Company, Tomahawk, 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 Timber Workers' Union, Local No. 29, International Woodworkers of America, C. I. O., for the purposes of collective bargaining.

**CHAIRMAN MILLIS** took no part in the consideration of the above Decision and Direction of Election.