

In the Matter of FRANK FROMELT, D/B/A FROMELT LOGGING Co. and  
INTERNATIONAL WOODWORKERS OF AMERICA, LOCAL 358, CIO

*Case No. 19-R-1249.—Decided March 10, 1944*

*Durham and Hyatt, by Mr. Ray E. Durham, of Lewiston, Idaho, for the Company.*

*Mr. George Brown and Mr. Claude Ballard, of Portland, Oreg., for the CIO.*

*Mr. Paul Bailey, Jr., of Lewiston, Idaho, for the A. F. L.*

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

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Woodworkers of America, Local 358, CIO, herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of Fromelt Logging Co., Lewiston, Idaho,<sup>1</sup> herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas P. Graham, Jr., Trial Examiner. Said hearing was held at Lewiston, Idaho, on February 17, 1944. The Company, the CIO, and Lumber and Sawmill Workers Union, Local 2664, United Brotherhood of Carpenters and Joiners of America, AFL, intervenor, herein called the AFL, 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

Frank Fromelt, doing business as Fromelt Logging Co., is engaged in general logging operations on the property of the Potlatch Forests,

<sup>1</sup>The name of the Company, incorrectly shown at times in the record, was corrected at the hearing

Inc., under contract with that corporation. All of the timber logged by the Company is used by Potlatch Forests, Inc. The daily cut of the Company is between 60,000 and 120,000 board feet.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.<sup>2</sup>

## II. THE ORGANIZATIONS INVOLVED

International Woodworkers of America, Local 358, affiliated with the Congress of Industrial Organizations, and Lumber and Sawmill Workers Union, Local 2664, United Brotherhood of Carpenters and Joiners of America, affiliated with the American Federation of Labor, are labor organizations admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The CIO wrote to the Company on November 29, 1943, requesting exclusive recognition as collective bargaining agent of all of the Company's employees. The Company did not reply.

The AFL urges that a contract between it and the Company, executed January 12, 1942, is a bar to this proceeding. The contract contains an automatic annual renewal clause, and provides that 30 days notice prior to each annual renewal period is required for proposed modification or termination of the agreement. Since the CIO made its exclusive representation claim more than 30 days prior to January 12, 1944, the self-renewal date of the contract, we find that the contract is no bar to this proceeding.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the CIO represents a substantial number of employees in the unit hereinafter found appropriate.<sup>3</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, ex-

<sup>2</sup> We have heretofore held that Potlatch Forests, Inc., is engaged in commerce within the meaning of the Act *Matter of Potlatch Forests Inc.*, 52 N. L. R. B. 1377.

<sup>3</sup> The Board agent reported that the CIO submitted 19 designation cards bearing the names of persons appearing on the Company's pay roll of February 17, 1944, which contained the names of 42 employees in the alleged appropriate unit.

The AFL submitted no evidence of representation of employees in the alleged appropriate unit, merely pointing to its contract with the Company in support of its asserted interest in the employees involved.

cluding clerical 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.

#### 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.<sup>4</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 Fromelt Logging Co., Lewiston, Idaho, 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 Nineteenth 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 they desire to be represented by International Woodworkers of America, Local 358, CIO, or by Lumber and Sawmill Workers Union, Local 2664, AFL, for the purposes of collective bargaining, or by neither.

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<sup>4</sup>The Unions wish to be designated on the ballot as International Woodworkers of America, Local 358, CIO, and Lumber and Sawmill Workers Union, Local 2664, AFL. The requests are granted.