

In the Matter of ANTIGO VENEER COMPANY and INTERNATIONAL  
WOODWORKERS OF AMERICA, CIO

*Case No. 18-R-930.—Decided March 13, 1944*

*Buchen, Currie, Federer & Grote, by Mr. George R. Currie of Sheboygan, Wis., for the Company.*

*Mr. Edward J. Lambert, of Wausau, Wis., for the Union.*

*Mr. Irving Rogosin, of counsel to the Board.*

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Woodworkers of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Antigo Veneer Company, Antigo, 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 Wausau, Wisconsin, on January 25, 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

Antigo Veneer Company, a Wisconsin corporation, is a wholly owned subsidiary of the Frost Veneer Company of Sheboygan, Wisconsin. It is engaged in the manufacture of wood veneer. During the year 1943, it purchased logs valued at \$111,745. Of this total, logs valued at \$56,249 were purchased outside the State of Wisconsin and

shipped to the Antigo plant. During the same period, the total value of sales amounted to \$237,401, of which \$37,695 represented the value of sales and shipments 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

International Woodworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

It was stipulated between the parties that on December 15, 1943, the Union requested recognition as the exclusive bargaining representative of the production and maintenance employees of the Company, and that on January 3, 1944, the attorney for the Company advised the Union that it desired to have the Union certified by the Board before entering into negotiations.

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 to be 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

It was stipulated between the parties at the hearing that all employees "in or about" the Antigo plant, excluding foremen, supervisory, and clerical employees constitute an appropriate unit for purposes of collective bargaining. There are, however, two employees as to whom the parties are in dispute.

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<sup>1</sup>The Regional Director reported that the Union submitted 31 application cards all of which bore apparently genuine original signatures; that the names of 27 persons appearing on the cards were listed on the Company's pay roll of December 23, 1943, which contained the names of 60 employees in the appropriate unit; and that the cards were all dated during the month of December 1943.

At the hearing, the Company offered to prove that the signatures on the application cards were not genuine. The offer, supported by specimen, notarized signatures of all employees on the pay roll and submitted as a standard for comparison, was excluded. We have, heretofore, affirmed the rulings of the Trial Examiner. The issue of the genuineness of the signatures is not open to the Company here. The showing of substantial representation is merely an administrative requirement of the Board to satisfy it as a preliminary matter that there is sufficient showing to justify proceeding with the investigation of representatives. See *Matter of Amos-Thompson Corporation*, 49 N. L. R. B. 423; *Matter of Atlas Powder Company, Zapon Division*, 43 N. L. R. B. 757, and cases therein cited.

(1) *John Knapkavage*. The Company would include this employee, who is classified on its pay roll as chief engineer and foreman, within the appropriate unit. The Union urges that he be excluded. He has general charge of maintenance of the plant, is in charge of the boiler room, where he has supervision over three firemen, and receives an hourly rate of pay between 20 and 25 percent higher than that of the firemen under him. He has the power to make recommendations with respect to hiring and discharging and is clearly within our usual definition of a supervisory employee. We shall, therefore, exclude him from the unit.

(2) *Alfred Now*. This employee is described as a scaler and yard foreman. The petitioner would include him within the appropriate unit. The Company would exclude him. The record discloses that he has supervision over a regular crew of four to six men, that he receives a rate of pay 15 to 25 percent higher than the members of his crew, and that he has the power to recommend hiring and discharging. Although the record further indicates that this employee quit his employment since December 23, 1943, it is clear that his duties are supervisory. We shall, therefore, exclude any person who may succeed this employee in the discharge of his duties, from the appropriate unit.<sup>2</sup>

We find, in accordance with the foregoing conclusions and in substantial agreement with the stipulation of the parties, that all production and maintenance employees of the Company, excluding clerical employees, the chief engineer, scaler and yard foreman, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect change 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 payroll 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,

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<sup>2</sup> The record does not reveal whether the Company has replaced this employee or anticipates doing so.

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 Antigo Veneer Company, Antigo, 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 International Woodworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

Mr. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.