

In the Matter of BEATTY LOGGING COMPANY, INC. and LUMBER AND
SAWMILL WORKERS, LOCAL 2705, AFL

Case No. 19-R-1276.—Decided March 29, 1944

Mr. Richard B. Maxwell and *Mr. G. C. Lorenz*, of Klamath Falls, Oreg., for the Company.

Mr. Hugh R. Haddock and *Mr. W. Yeoman*, of Klamath Falls, Oreg., for the AFL.

Mr. Claude Ballard, of Portland, Oreg., and *Mr. Chester C. Dunsten*, of Klamath Falls, Oreg., for the CIO.

Mr. William Strong, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Lumber and Sawmill Workers, Local 2705, AFL, herein called the A. F. L., alleging that a question affecting commerce had arisen concerning the representation of employees of Beatty Logging Company, Inc., Klamath Falls, Oregon, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John E. Hedrick, Trial Examiner. Said hearing was held at Klamath Falls, Oregon, on February 23, 1944, the Company, the AFL, and International Woodworkers of America, Local #6-12, CIO, herein called the CIO, 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, except as shown otherwise below. 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

The Company, an Oregon corporation, maintains its office in Klamath Falls, and its logging operations near Beatty, Oregon, where it
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is engaged in the logging business. All of the logs cut by the Company are sold by it to mills at Klamath Falls, which convert them into finished lumber, almost all of which is shipped to points outside the State of Oregon. The Company produces about 5,000,000 board feet of logs a month.

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

II. THE ORGANIZATIONS INVOLVED

International Woodworkers of America, Local #6-12, affiliated with the Congress of Industrial Organizations, and Lumber and Sawmill Workers, Local 2705, affiliated with the American Federation of Labor, are labor organizations admitting to membership employees of the Company.

III. THE ALLEGED QUESTION CONCERNING REPRESENTATION

On September 10, 1943, the AFL filed with the Regional Director for the Nineteenth Region a petition alleging that a question affecting commerce had arisen concerning the representation of employees of the Company.¹ On September 13, 1943, pursuant to an agreement for a consent election executed by the Company, the AFL, and the CIO, an election by secret ballot was conducted among the employees of the Company in the unit which petitioner herein, the AFL, alleges to be appropriate, with the AFL, the CIO, and a "neither union" choice on the ballot. While a majority of the employees participating in the election voted in favor of the two labor organizations, neither of them received a majority of the total votes cast. On October 1, 1943, a Run-Off Election by secret ballot was conducted by the Regional Director, and the CIO received a majority of the votes cast.

In January 1944 the CIO and the AFL each requested a recognition for collective bargaining purposes. The Company declined to deal with either organization. The AFL thereupon filed the petition in the instant case.

The AFL urges that various conditions, including the employment by the Company of persons previously in the employ of another employer and represented there by the AFL, and the incorporation in January 1944 of the instant Company, constitute a basis for a new election at this time. The CIO points to its selection in the consent election as barring a present redetermination of the representation desires of the employees.

In view of the selection of the CIO by secret ballot in October 1943, and the absence of merit to the contentions of the AFL, we conclude

¹ *Matter of Beatty Lumber Company*, 19-R-1187

that the CIO is still the duly selected representative of the Company's employees and that the petition of the AFL is premature.

We find, accordingly, that no question concerning representation has arisen, and we shall dismiss the petition.

ORDER

Upon the basis of the above findings of fact and the entire record in the case, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Beatty Lumber Company, Inc., Klamath Falls, Oregon, filed by Lumber and Sawmill Workers, Local 2705, AFL, be, and it hereby is, dismissed.