

In the Matter of NEKOOSA-EDWARDS PAPER COMPANY *and* INTERNATIONAL WOODWORKERS OF AMERICA, C. I. O.

Case No. 18-R-951.—Decided March 31, 1944

Miss Clare M. Toppins, of Port Edwards, Wis., for the Company.
Mr. W. I. Young, of Ironwood, Mich., for the Union.
Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by 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 Nekoosa-Edwards Paper Company, Port Edwards, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Isadore Komaroff, Trial Examiner. Said hearing was held at Houghton, Michigan, on March 14, 1944. 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

Nekoosa-Edwards Paper Company is a Wisconsin corporation with its principal office at Port Edwards, Wisconsin. We are here concerned with its logging camp at Misery Bay, Michigan. From February 28 to March 12, 1944, about 180,000 feet of logs were produced at the Misery Bay operations, approximately 85 percent of which is to be shipped to points within 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 is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

During February 1944 the Union requested the Company to recognize it as the exclusive collective bargaining representative of the employees at the Misery Bay operations. The Company did not reply to this request.

A statement of the Trial Examiner, read into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

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 urges that all employees at the Misery Bay operations of the Company, excluding the camp superintendent, camp foreman, and clerk, constitute an appropriate unit. The Company took no position with respect to the unit. Evidence introduced at the hearing indicates that the employees claimed by the Union constitute a well-defined homogeneous group.

We find that all employees at the Misery Bay operations of the Company, excluding the camp superintendent, camp foreman, clerk, 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 means of 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

¹ The Trial Examiner reported that the Union presented 22 membership application cards bearing names of persons on the March 12, 1944, pay roll of the Company. There are approximately 40 employees in the appropriate unit.

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, 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 Nekoosa-Edwards Paper Company, Port Edwards, 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 any 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, C. I. O., for the purposes of collective bargaining.