

In the Matter of THE BEISEL VENEER HOOP COMPANY and INTERNATIONAL WOODWORKERS OF AMERICA, AFFILIATED WITH THE CONGRESS OF INDUSTRIAL ORGANIZATIONS

*Case No. 15-R-1095.—Decided May 18, 1944*

*Mr. J. T. Burke*, of Helena, Ark., for the Company.

*Mr. George Allison*, of DeQueen, Ark., and *Mr. Robert Hill*, of West Helena, Ark., for the Union.

*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, affiliated with the Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Beisel Veneer Hoop Company, West Helena, Arkansas, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John H. Eadie, Trial Examiner. Said hearing was held at Helena, Arkansas, on April 17, 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

The Company, a partnership consisting of E. M. Beisel and E. M. Beisel, Jr., is engaged at West Helena, Arkansas, in the manufacture of hoops and drum liners. During 1943, the Company obtained about 5 percent of the raw materials used by it at sources outside the State

of Arkansas, and shipped about 97 percent of its finished products to points outside that State.

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 Organization, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of the Company's employees until the Union has been certified by the Board in an appropriate unit.

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 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 seeks, and the Company does not oppose, a unit composed of all production and maintenance employees of the Company including non-militarized watchmen or guards, but excluding all clerical employees, logging employees, militarized guards, and supervisors.<sup>2</sup>

We find that all production and maintenance employees of the Company, including non-militarized watchmen or guards, but excluding all clerical employees, logging employees, militarized guards, 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 employ-

<sup>1</sup> The Field Examiner reported that the Union submitted 82 designation cards, 65 of which bore the names of persons appearing on the Company's pay roll of February 3, 1944, which contained the names of 125 employees in the appropriate unit.

<sup>2</sup> The record is not clear as to whether or not the Company actually employs logging employees, watchmen, and/or guards of any type.

ees 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>3</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 The Beisel Veneer Hoop Company, West Helena, Arkansas, 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 Fifteenth 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, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

---

<sup>3</sup> The Union requests the use of the Company's February 3, 1944, pay roll as the basis for eligibility to participate in the election for the reason that five or six employees were thereafter discharged by the Company for union activity. No charges had been filed by the Union to that effect. At the hearing the pay roll for that date was introduced in evidence, but the Union objected to the omission from it of the names of the dischargees. In the absence of any charge and of a finding by this Board that the dischargees were illegally discharged, they are ineligible to participate in any election among employees of the Company. The usual pay-roll date for determining eligibility to participate in the election will, therefore, be used.