

In the Matter of JASPER WOOD PRODUCTS CO., INC. and UNITED FURNITURE WORKERS OF AMERICA, LOCAL 331, C. I. O.

Case No. 14-R-955.—Decided June 28, 1944

Mr. Fae W. Patrick, of Indianapolis, Ind., and *Mr. Arthur C. Nordhoff*, of Jasper, Ind., for the Company.

Mr. Harold J. Jerger, of Jasper, Ind., and *Mr. Warren Lee*, of Ferdinand, Ind., 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 United Furniture Workers of America, Local 331, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Jasper Wood Products Co., Inc., Jasper, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Helen F. Humphrey, Trial Examiner. Said hearing was held at Jasper, Indiana, on June 2, 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

Jasper Wood Products Co., Inc., is an Indiana corporation operating a plant at Jasper, Indiana, where it is engaged in the manufacture of plywood panels. During 1943 the Company purchased materials for use at its Jasper plant valued in excess of \$2,000,000, approximately

50 percent of which was shipped to it from points outside the State of Indiana. During the same period the Company manufactured products at its Jasper plant valued in excess of \$3,000,000, about 90 percent of which was shipped to points outside the State of Indiana. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Furniture Workers of America, Local 331, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representatives of the employees of its Jasper plant until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, introduced 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 National Labor Relations Act.

IV. THE APPROPRIATE UNIT

The Union urges that all production and maintenance employees at the Jasper plant of the Company, excluding office and clerical employees, foremen, guards, and the nurse, constitute an appropriate unit. The only controversy with respect to the unit concerns the nurse and two named individuals.

The Union urges that the nurse be excluded from the unit, while the Company requests that she be included. Although the nurse has not had professional training, she has had many years' experience

¹ The Field Examiner reported that the Union presented 84 membership application cards bearing names of persons who appear on a pay roll of the Company. There are approximately 217 employees in the appropriate unit.

At the hearing counsel for the Company objected to the Board's reliance on the Field Examiner's statement. As we have stated before, "Authorization or membership cards are required; not as proof of the precise number of employees who desire to be represented by a labor organization, or as a basis for determining the appropriate representative, but simply to provide a reasonable safeguard against the indiscriminate institution of representation proceedings by labor organizations which might have little or no membership in a unit claimed to be appropriate." See *Matter of Budd Wheel Company*; 52 N. L. R. B. 666. This safeguard is adequately provided by a statement of a Field Examiner as introduced in the instant proceeding.

as a practical nurse and spends her entire time performing duties incident to the nursing profession. It is apparent that the problems arising in the course of the nurse's work are dissimilar to those of production and maintenance employees. Accordingly, we shall exclude her from the unit.

Edgar Dittmer operates sanding machines and Gilbert Hurst operates kilns. The Union would include them in the unit, while the Company contends that they should be excluded from the unit on the ground that they exercise supervisory functions. Dittmer, in the course of operating sanding machines, explains to other persons how particular jobs should be handled. Hurst fires boilers himself, except on infrequent occasions when he might have an assistant. They both work under the same working conditions and supervision as the other employees and are merely the older and more skilled employees in their groups. It appears that neither of them has any authority to recommend the hire, discharge, or discipline of any other employees. In view of the foregoing, we are of the opinion that Dittmer and Hurst do not exercise duties sufficiently supervisory in character so as to warrant their exclusion from the unit. We shall include them.

We find that all production and maintenance employees at the Jasper plant of the Company,² excluding office and clerical employees, guards, the nurse, foremen, and any other 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 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 Jasper Wood

² Dittmer and Hurst are deemed included in the unit.

Products Co., Inc., Jasper, Indiana, 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 Fourteenth 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, to determine whether or not they desire to be represented by United Furniture Workers of America, Local 331, C. I. O., for the purposes of collective bargaining.