

In the Matter of L. F. STRASSHEIM, MATHILDA STRASSHEIM, AND SHIRLEY S. MCLEAN, CO-PARTNERS DOING BUSINESS AS L. F. STRASSHEIM and UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA (A. F. OF L.)

*Case No. 18-R-1073.—Decided August 30, 1944*

*Mr. O. S. Hoebreckx*, of Rhinelander, Wis., for the Company.

*Mr. Ray Zimick*, of Wausaw, Wis., for the Carpenters.

*Mr. Wallace E. Royster*, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Brotherhood of Carpenters and Joiners of America (A. F. of L.), herein called the Carpenters, alleging that a question affecting commerce had arisen concerning the representation of employees of L. F. Strassheim, Mathilda Strassheim, and Shirley S. McLean, Co-partners, doing business as L. F. Strassheim, Merrill, 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 Merrill, Wisconsin, on August 7, 1944. The Company and the Carpenters 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

L. F. Strassheim, Mathilda Strassheim, and Shirley S. McLean, Co-partners, doing business as L. F. Strassheim, are engaged at Merrill,

57 N. L. R. B., No. 290.

Wisconsin, in the production of brush blocks and special wood parts. During the period from January 1 to June 30, 1944, the Company's purchases of raw material, chiefly lumber and lacquer, had a value of approximately \$92,000, of which more than 85 percent was shipped to the Company from points outside the State of Wisconsin. During the same period the Company's sales exceeded \$200,000 in value, of which more than 95 percent was shipped to points outside the State of Wisconsin.

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

## II. THE ORGANIZATION INVOLVED

United Brotherhood of Carpenters and Joiners of America is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The parties stipulated at the hearing that on June 28, 1944, the Carpenters requested recognition of the Company as exclusive bargaining representative of the employees and that the Company refused to extend such recognition without Board certifications.

A report of the Field Examiner introduced in evidence at the hearing indicates that the Carpenters represents a substantial number of the Company's employees.<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

We find, in accordance with the stipulation of the parties, that all production and maintenance employees of the Company, excluding office employees 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

<sup>1</sup> The Field Examiner reported that the Carpenters submitted 48 authorization for membership cards bearing dates in June and July 1944. There are 61 employees in the appropriate unit.

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.<sup>2</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, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with L. F. Strassheim, Mathilda Strassheim, and Shirley S. McLean, Co-partners, doing business as L. F. Strassheim, Merrill, 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 United Brotherhood of Carpenters and Joiners of America, Local Union No. 1651, A. F. of L., for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.

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<sup>2</sup> In accordance with the stipulation of the parties the Local Number assigned the Carpenters since the hearing will appear on the ballot