

In the Matter of R. N. TEMPLEMAN *and* UNITED RETAIL, WHOLE-
SALE & DEPARTMENT STORE EMPLOYEES OF AMERICA, AFFILIATED WITH
CONGRESS OF INDUSTRIAL ORGANIZATIONS

Case No. 15-R-1169.—Decided August 30, 1944

Mr. R. W. Starnes, of New Orleans, La., for the Union.

Mr. Paul Bisgyer, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Retail, Wholesale & Department Store Employees of America, affiliated with Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of R. N. Templeman, New Orleans, Louisiana, herein called Templeman, the National Labor Relations Board provided for an appropriate hearing upon due notice before LeRoy Marceau, Trial Examiner. Said hearing was held at New Orleans, Louisiana, on July 31, 1944. The Union appeared and participated.¹ 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

R. N. Templeman is individually engaged in the processing of lumber and lumber products at his plant in New Orleans, Louisiana.

¹ Although duly served with Notice of Hearing, Templeman failed to appear. However, his bookkeeper appeared with subpoenaed records, and while she gave testimony as a witness for the Board, she specifically asserted her lack of authority to represent Templeman.

During the first half of this year he sold finished products valued at approximately \$166,000, of which about 90 percent was used in fitting and repairing ocean-going vessels.

We find that Templeman is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Retail, Wholesale & Department Store Employees of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of Templeman.

III. THE QUESTION CONCERNING REPRESENTATION

On June 14, 1944, the Union notified Templeman by letter that it represented a majority of his employees and requested a meeting to discuss terms and conditions of a labor agreement. The Union received no reply to its letter.

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.²

We find that a question affecting commerce has arisen concerning the representation of employees of Templeman 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 Union's unopposed request, that all production and maintenance employees of Templeman, excluding clerical 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 an election by secret ballot among the employees in the appropriate unit who were employed during the payroll period immediately preceding the date of the Direction of Election herein; subject to the limitations and additions set forth in the Direction.

² The Field Examiner reported that the Union submitted 8 authorization cards bearing the names of persons listed on Templeman's pay roll of July 8, 1944, which contained the names of 19 employees in the appropriate unit.

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 R. N. Templeman, New Orleans, Louisiana, 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 those employees 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 Retail, Wholesale & Department Store Employees of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.

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