

In the Matter of CASPAR LUMBER COMPANY *and* LUMBER & SAWMILL
WORKERS, LOCAL 2974, A. F. OF L.

Case No. 20-R-1152.—Decided October 3, 1944

Messrs. W. P. Clecak and William T. Doyle, of San Francisco, Calif.,
for the Company.

Mr. H. H. Williams, of Sacramento, Calif., and *Mr. W. H. Schmidt*;
of Caspar, Calif., 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 Lumber & Sawmill Workers, Local 2974, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Caspar Lumber Company, Caspar, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John P. Jennings, Trial Examiner. Said hearing was held at San Francisco, California, on September 12, 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

Caspar Lumber Company is engaged in the operation of a logging camp and a sawmill at and near Caspar, California. During 1943 the Company produced 22 million board feet of lumber, all of which was shipped to Redwood Manufacturing Company, a subsidiary, at Pitts-

burg, California. During 1943 Redwood Manufacturing Company purchased 25 million board feet of lumber, including the 22 million board feet from the Company. During the same period Redwood Manufacturing Company shipped 3 million board feet of lumber and lumber products to points outside the State of California.

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

II. THE ORGANIZATION INVOLVED

Lumber & Sawmill Workers, Local 2974, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of certain of its employees 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 Act.

IV. THE APPROPRIATE UNIT

The Union contends that all production, construction, railroad, and maintenance employees of the Company at its sawmill, yard, and railroad at Caspar, California, constitute an appropriate bargaining unit. The Company contends that the unit should include not only employees claimed by the Union in the instant proceeding but also employees at the Company's logging camp located approximately 20 miles from the sawmill. We have previously found, in another Decision² involving the Company, that the logging camp employees constitute a separate appropriate bargaining unit. Nothing in the present record persuades us otherwise. Accordingly, we find that a unit limited to the employees at the sawmill, yard, and railroad is appropriate.

We find, in accordance with the desires of the parties, that office and clerical employees, employees at the Company's stores, mill foreman, assistant mill foreman, master mechanic, construction foreman, loco-

¹ The Field Examiner reported that the Union presented 99 membership application cards. There are approximately 154 employees in the appropriate unit

² 55 N L R B 819.

tive engineer, section crew foreman, yard foreman, and senior tallyman in yard, should be excluded from the unit.

We find that all production, construction, railroad, and maintenance employees of the Company at its sawmill, yard, and railroad at Caspar, California, excluding office and clerical employees, employees at the Company's stores, mill foreman, assistant mill foreman, master mechanic, construction foreman, locomotive engineer, section crew foreman, yard foreman, senior tallyman in yard, 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, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Caspar Lumber Company, Caspar, California, 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 Twentieth 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 Lumber & Sawmill Workers, Local 2974, A. F. of L., for the purposes of collective bargaining.