

In the Matter of WILLIAM BONIFAS LUMBER COMPANY and INTERNATIONAL WOODWORKERS OF AMERICA, C. I. O.

Case No. 18-R-1103.—Decided October 17, 1944

Mr. S. N. Moe, of Neenah, Wis., and *Mr. Frank Leslie*, of Marenisco, Mich., for the Company.

Mr. Harold E. Arnold, of Ironwood, Mich., for the I. W. A.

Mr. Ray Zimick, of Wausau, Wis., and *Messrs. James Carey* and *John Childers*, of Marenisco, Mich., for the United.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Woodworkers of America, C. I. O., herein called the I. W. A., alleging that a question affecting commerce had arisen concerning the representation of employees of William Bonifas Lumber Company, Marenisco, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Francis X. Helgesen, Trial Examiner. Said hearing was held at Bessemer, Michigan, on September 15, 1944. At the commencement of the hearing the Trial Examiner granted a motion of United Brotherhood of Carpenters & Joiners of America, Local Union No. 2946, A. F. of L., herein called the United, to intervene. The Company, the I. W. A., and the United 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

William Bonifas Lumber Company is a Michigan corporation with its principal offices at Neenah, Wisconsin. The Company is a 58 N. L. R. B., No. 204.

wholly owned subsidiary of Kimberly-Clark Corporation. We are here concerned with its Marenisco Division located at Marenisco, Michigan. During its fiscal year ending June 30, 1944, the Company purchased raw materials for use in its Marenisco Division valued at about \$200,000, approximately 60 percent of which was shipped to it from points outside the State of Michigan. During the same period, the Company sold lumber and byproducts from its Marenisco Division valued at about \$1,435,000, approximately 77 percent of which was shipped to points outside the State of Michigan.

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

II. THE ORGANIZATIONS INVOLVED

International Woodworkers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

United Brotherhood of Carpenters & Joiners of America, Local Union No. 2946, 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 I. W. A. as the exclusive bargaining representative of the employees in its Marenisco Division until such time as the I. W. A. is certified by the Board.

The Company and United were parties to a collective bargaining agreement which expired, by its terms, on September 30, 1944. The contract did not contain any automatic renewal clause nor did the United or the Company contend that the contract is a bar to this proceeding.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the I. W. A. 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 parties agree that all employees of the Company at its Marenisco mills and yards, with certain inclusions and exclusions listed below,

¹ The Regional Director reported that the I. W. A. presented 51 membership application cards bearing the names of persons who appear on the Company's pay roll of September 2, 1944. There are approximately 50 employees in the appropriate unit. The United did not present any evidence of representation but relies upon its contract as evidence of its interest in the instant proceeding.

constitute an appropriate unit. There seems, however, to be some question with respect to the status of truck drivers and a mechanic.

The Company employs several truck drivers who haul logs from the woods to the mill involved in the instant proceeding, and one mechanic who does repair work on the trucks. They are stationed midway between the mill and the camp and spend a very small portion of their time at the mill. They are carried on the camp pay roll and in no way come under the supervision of the supervisory employees at the mill. Under these circumstances, we find that the truck drivers and the mechanic should be excluded from the unit.

We find that all employees of the Company employed at Marenisco in the sawmill, planing mill, dry kiln, machine shop, and yards, excluding employees in the Company's store, the chief clerk, timekeeper, clerical employees, truck drivers, the mechanic, mill superintendent, yard foreman, dry kiln foreman, planing mill foreman, 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 William Bonifas Lumber Company, Marenisco, Michigan, 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 Regu-

lations, 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 they desire to be represented by International Woodworkers of America, C. I. O., or by United Brotherhood of Carpenters & Joiners of America, Local Union No. 2946, for the purposes of collective bargaining, or by neither.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.