

In the Matter of O. L. WILLIAMS VENEER COMPANY, INCORPORATED and  
UNITED FURNITURE WORKERS OF AMERICA, LOCAL 273, C. I. O.

*Case No. 10-R-1260.—Decided October 31, 1944*

*Mr. T. H. Brice*, of Sumter, S. C., for the Company.

*Mr. Bernard Hiatt*, of Martinsville, Va., and *Mr. J. F. Slemmer*, of Sumter, S. C., 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 Local 273, United Furniture Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of O. L. Williams Veneer Company, Incorporated, Sumter, South Carolina, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Melton Boyd, Trial Examiner. Said hearing was held at Sumter, South Carolina, on October 4, 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

O. L. Williams Veneer Company, Incorporated, is a South Carolina corporation operating a plant at Sumter, South Carolina, where it is engaged in the manufacture of plywood panels. The Company purchases raw materials valued at about \$300,000 annually, approximately

58 N L. R. B., No. 292.

609591—45—vol. 58—108

20 percent of which is shipped to it from points outside the State of South Carolina. During the same period the Company manufactured products valued at about \$800,000, approximately 75 percent of which is shipped to points outside the State of South Carolina.

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

## II. THE ORGANIZATION INVOLVED

Local 273, United Furniture Workers of America, 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 representative 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.<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 National Labor Relations Act.

## IV. THE APPROPRIATE UNIT

The Union urges that all employees of the Company, including watchmen,<sup>2</sup> but excluding clerical employees and supervisors, constitute an appropriate unit. The only controversy with respect to the unit concerns hanger department employees.

The Company employs four persons in its hanger department who are engaged in the manufacture of clothes hangers out of plywood. The hanger department is located in a separate building, but is connected with the main mill by a platform. The Company contends that the employees of the hanger department are not its employees, but, of the department head. It appears that the department head is paid in proportion to the number of hangers manufactured, and operates the hanger department under a verbal agreement with the Company which is varied from time to time. The Company maintains separate bookkeeping records for the hanger department, but pays

<sup>1</sup> The Trial Examiner reported that the Union presented 78 membership application cards bearing names of persons who appear on the July 26, 1944, pay roll of the Company. There are approximately 159 employees in the appropriate unit.

<sup>2</sup> Watchmen are neither armed, uniformed, nor militarized.

the Social Security tax and Workmen's Compensation tax covering the workmen in that department. The essential character of the work in the hanger department is similar to that performed by the other employees. The premises and equipment in that department are owned by the Company. It further appears that the Company actually has hired persons for that department and that several of the employees in the hanger department have been transferred to comparable positions in the regular mill when operations in the former department were shut down. The hangers manufactured in the hanger department are sold by the Company as its own product. We conclude that the Company exercises practical control over the employees in the hanger department with respect to matters subject to collective bargaining and that such employees are employees of the Company and should properly be included in the unit.

We find that all employees of the Company, including watchmen and hanger department employees, but 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 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 O. L. William Veneer Company, Incorporated, Sumter, South Carolina, 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 Tenth Region, acting in this matter as agent for the National Labor Rela-

tions 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 Local 273, United Furniture Workers of America, C. I. O., for the purposes of collective bargaining.