

In the Matter of CONTINENTAL-DIAMOND FIBRE COMPANY *and*
DISTRICT 50, UNITED MINE WORKERS OF AMERICA

Case No. 4-R-1557.—Decided November 3, 1944

Mr. Charles W. Wolfe, of Philadelphia, Pa., for the Company.
Messrs. Vernon Ford and Elwood Moffett, of Wilmington, Del.,
for District 50.

Mr. George W. Cook, of Philadelphia, Pa., for the Brotherhood.
Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by District 50, United Mine Workers of America, herein called District 50, alleging that a question affecting commerce had arisen concerning the representation of employees of Continental-Diamond Fibre Company, Newark, Delaware, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. Said hearing was held at Wilmington, Delaware, on October 17, 1944. At the commencement of the hearing, the Trial Examiner granted a motion of International Brotherhood of Pulp, Sulphite & Paper Mill Workers, A. F. of L., herein called the Brotherhood, to intervene. The Company, District 50, and the Brotherhood 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

Continental-Diamond Fibre Company is a Delaware corporation with its principal offices at Newark, Delaware. We are here con-

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cerned with its plant at Newark, Delaware, where it is engaged in the manufacture of fibre and fibre products. During its last fiscal year 95 percent of the raw materials purchased for use at its Newark plant was shipped to the Company from points outside the State of Delaware. During the same period, the Company sold products from its Newark plant valued in excess of \$1,000,000, over 95 percent of which was shipped to points outside the State of Delaware.

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

II. THE ORGANIZATIONS INVOLVED

District 50, United Mine Workers of America, is a labor organization admitting to membership employees of the Company.

International Brotherhood of Pulp, Sulphite & Paper Mill Workers, 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 District 50 as the exclusive bargaining representative of the employees at its Newark plant until such time as District 50 is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that District 50 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

We find, in accordance with a stipulation of the parties, that all employees of the Company employed at its Newark, Delaware, plant, excluding laboratory, technical, clerical, and plant-protection 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.

¹ The Field Examiner reported that District 50 presented 327 membership application cards bearing the names of persons who appear on the Company's pay roll of September 30, 1944. There are approximately 640 employees in the appropriate unit. The Brotherhood presented 127 cards bearing the names of persons on the September 30, 1944, pay roll.

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 Continental-Diamond Fibre Company, Newark, Delaware, 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 Fourth 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 they desire to be represented by District 50, United Mine Workers of America, or by International Brotherhood of Pulp, Sulphite & Paper Mill Workers, A. F. of L., for the purposes of collective bargaining, or by neither.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.