

In the Matter of SIELING FURNITURE COMPANY and UNITED FURNITURE
WORKERS OF AMERICA, C. I. O.

Case No. 4-R-1533.—Decided December 8, 1944

*Mr. Fred H. Lewis, of Railroad, Pa., and Mr. McClean Stark, of
York, Pa., for the Company.*

Mr. Abe Klein, of Hanover, Pa., for the United.

Mr. Milton D. M. Peters, of Red Lion, Pa., for the Allied.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Furniture Workers of America, C. I. O., herein called the United, alleging that a question affecting commerce had arisen concerning the representation of employees of Sieling Furniture Company, Railroad, Pennsylvania, 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 York, Pennsylvania, on November 17, 1944. At the commencement of the hearing the Trial Examiner granted a motion of Allied Woodworkers Union of America, Inc., Local #4, herein called the Allied, to intervene. The Company, the United, and the Allied appeared at and participated in the hearing and 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 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

Sieling Furniture Company is a Pennsylvania corporation operating a plant at Railroad, Pennsylvania, where it is engaged in the man-
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ufacture of wood products. During its fiscal year ending July 31, 1944, the Company purchased raw materials valued in excess of \$200,000, about 90 percent of which was shipped to it from points outside the Commonwealth of Pennsylvania. During the same period the Company produced finished products valued in excess of \$200,000, about 90 percent of which was shipped to points outside the Commonwealth of Pennsylvania.

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

II. THE ORGANIZATIONS INVOLVED

United Furniture Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

Allied Woodworkers Union of America, Inc., Local #4, is a labor organization, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the United as the exclusive collective bargaining representative of its employees until such time as the United is certified by the Board.

On December 31, 1942, the Company and the Allied entered into an exclusive bargaining contract. The contract provided that it shall remain in effect for 1 year. The contract was renewed thereafter to remain in effect until December 31, 1944. It contains no automatic renewal clause. Inasmuch as the contract is about to expire by its terms, we find that it does not constitute a bar to a determination of representatives at this time.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the United 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 substantial agreement with a stipulation of the parties, that all production and maintenance employees of the Company, ex-

¹ The Field Examiner reported that the United presented 36 authorization cards bearing names of persons that appear on the Company's pay roll of September 25, 1944. There are approximately 84 persons in the appropriate unit. The Allied did not present any evidence of representation, but relied upon its contract as evidence of its interest in the instant proceeding.

cluding clerical employees, executives, assistant foremen, maintenance supervisors, 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.²

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 Sieling Furniture Company, Railroad, Pennsylvania, 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 the 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 United Furniture Workers of America, C. I. O., or by Allied Woodworkers Union of America, Inc., Local #4, for the purposes of collective bargaining, or by neither.

² This is substantially the same unit as provided for in the contract between the Allied and the Company.