

In the Matter of CHICKASAW WOOD PRODUCTS COMPANY, D/B/A  
CHICKASAW COOPERAGE COMPANY and INTERNATIONAL BROTHERHOOD  
OF FIREMEN AND OILERS, AFFILIATED WITH THE AMERICAN FEDERATION  
OF LABOR

*Case No. 15-R-1216.—Decided December 16, 1944*

*Mr. J. S. Allen*, of Memphis, Tenn., for the Company.

*Mr. Fred Beyler*, of Memphis, Tenn., for the Firemen and Oilers.

*Mr. John M. Greene*, of Chattanooga, Tenn., for the Operating  
Engineers.

*Mr. J. L. Robertson*, of Memphis, Tenn., for the Coopers.

*Mr. Paul Bisgyer*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Brotherhood of Firemen and Oilers, affiliated with the American Federation of Labor, herein called the Firemen and Oilers, alleging that a question affecting commerce had arisen concerning the representation of employees of Chickasaw Wood Products Company, doing business as Chickasaw Cooperage Company, Memphis, Tennessee, herein called the Company,<sup>1</sup> the National Labor Relations Board provided for an appropriate hearing upon due notice before Walter Wilbur, Trial Examiner. Said hearing was held at Memphis, Tennessee, on October 31, 1944. The Company, the Firemen and Oilers, International Union of Operating Engineers, affiliated with the American Federation of Labor, herein called the Operating Engineers, and Coopers' International Union of North America, Local No. 95, affiliated with the American Federation of Labor, herein called the Coopers, appeared and participated. 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 an opportunity to file briefs with the Board.

---

<sup>1</sup> Name corrected.

Upon the entire record in the case, the Board makes the following:

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

Chickasaw Wood Products Company is a Delaware corporation having its principal office in Memphis, Tennessee. At its plant in Memphis, Tennessee, with which we are solely concerned in this proceeding, the Company is engaged in the manufacture of barrels under the trade name of Chickasaw Cooperage Company. Products annually completed at the Memphis plant are valued at approximately \$1,000,000, of which about 90 percent is sold and shipped to points outside the State of Tennessee. The Company obtains most of the timber used in its manufacturing operations at the Memphis plant from its mills located outside the State.

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

#### II. THE ORGANIZATIONS INVOLVED

International Brotherhood of Firemen and Oilers, International Union of Operating Engineers, and Coopers' International Union of North America, Local No. 95, all affiliated with the American Federation of Labor, are labor organizations admitting to membership employees of the Company.

#### III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Firemen and Oilers as the exclusive bargaining representative of certain of its employees until the Firemen and Oilers has been certified by the Board in an appropriate unit.

A statement of the Trial Examiner, made on the record at the hearing, indicates that the Firemen and Oilers represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</sup>

The Operating Engineers and the Coopers urge, in effect, a dismissal of the petition on the ground that jurisdictional disputes are involved among the Firemen and Oilers and themselves with respect to firemen and helpers who comprise the unit sought by the Firemen and Oilers. All three organizations are affiliated with the American Federation of Labor.

---

<sup>2</sup> At the hearing, the Trial Examiner stated for the record that the Firemen and Oilers submitted 18 authorization cards bearing the names of persons listed on the Company's pay roll of October 25, 1944, which contained the names of 20 employees in the alleged appropriate unit.

The Operating Engineers claims jurisdiction over firemen<sup>3</sup> whom it regards as apprentices in its trade.<sup>4</sup> However, it has submitted no evidence that it represents any firemen at the Memphis plant. Under the circumstances, we find no reason to dismiss the petition insofar as firemen are concerned.<sup>5</sup>

The Coopers asserts jurisdiction over helpers.<sup>6</sup> Nevertheless, since it, too, has failed to submit proof of representation among helpers at the Memphis plant, we find there is no bar to these proceedings. In deciding that a present determination of representatives is not precluded, we have considered the Coopers' claim that it has bargained for helpers and included them in its contract with the Company of July 1, 1942, under the wage scale classification of "Supply."<sup>7</sup> However, supply men perform work which differs from that of helpers in that supply men bring the necessary materials to the production departments for use in the manufacturing processes, while helpers, as will appear more fully hereinafter, are engaged in functions related to the work of firemen. Furthermore, the Coopers' contract provides that it shall apply to "employees engaged in the manufacture and handling of cooperage; maintenance men may be enrolled as members," and that all employees "engaged in productive labor shall be . . . required to become . . . member(s)" of the Coopers. Notwithstanding these provisions, no evidence was offered to show that helpers were at any time members of the Coopers, or that the Company ever checked off dues from their wages as the contract also required.

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 Firemen and Oilers seeks a unit of all firemen and helpers, excluding engineers, assistant engineers, general maintenance men,<sup>8</sup> and supervisory employees. Without taking an affirmative position respecting the appropriate unit, the Operating Engineers opposes the

<sup>3</sup> It does not appear that the Operating Engineers also asserts jurisdiction over helpers.

<sup>4</sup> Apparently, the Operating Engineers regards firemen as apprentices to engineers and assistant engineers.

<sup>5</sup> *Matter of Thomasville Chair Company*, 37 N. L. R. B. 1017; and *Matter of Weyerhaeuser Timber Company*, 30 N. L. R. B. 872.

<sup>6</sup> The Coopers does not allege jurisdiction over firemen.

<sup>7</sup> At the time of the hearing, there was no effective written contract in existence between the Coopers and the Company.

<sup>8</sup> A representative of the Firemen and Oilers testified at the hearing that his organization did not request the inclusion of maintenance mechanics, but sought "the helpers, the men that help the maintenance mechanics" apparently when they make repairs in the boiler room. It does not appear that such helpers constitute a distinct classification from helpers generally.

inclusion of firemen,<sup>9</sup> while the Coopers and the Company oppose the inclusion of helpers.

The Company employs 4 firemen, each assigned to a shift, who perform the customary functions of their craft in the boiler room. They maintain the steam power required in the manufacturing operations and furnish the steam in the dry kilns which are adjacent to and on either side of the boiler room. For its fuel supply, the boiler room depends upon the plant's waste products. One source is the wood shavings which are "piped" to it directly from the woodworking machines. The other source is the waste wood resulting from the production processes. There are about 16 helpers who collect and remove from the production departments the waste wood, a major portion of which is taken to the boiler room to be burned as fuel.<sup>10</sup> It also appears that at least some of the helpers assist mechanics when the latter make repairs in the boiler room.<sup>11</sup> Significantly, firemen and helpers are listed on the Company's pay roll as classification "9100, Steam Power Department." As indicated in Section III, *supra*, we are not persuaded that the record sufficiently supports the claim of the Coopers that it has bargained for helpers. In these circumstances, and in view of the fact that firemen and helpers comprise a distinct, well-defined group which apparently desires to be represented by the Firemen and Oilers, we are of the opinion that the unit sought by the Firemen and Oilers is appropriate.<sup>12</sup>

Accordingly, we find that all the Company's firemen and helpers at its Memphis, Tennessee, plant, but excluding engineers, assistant engineers, general maintenance men, 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 an election by secret ballot among the employees in the appropriate unit who were employed during the payroll period immediately preceding the date of the Direction of Election

<sup>9</sup> It does not appear that the Operating Engineers also objects to the inclusion of helpers. See footnote 5.

<sup>10</sup> According to the testimony of the Company's vice president, about 80 percent of the waste wood for the 60-day period prior to the hearing was hauled by helpers to the boiler room, while the balance of such waste wood was carried by them to other locations for different disposal.

<sup>11</sup> In connection with their work, helpers clean and sweep up the plant.

<sup>12</sup> See *Matter of Revere Copper and Brass Incorporated*, 58 N. L. R. B. 1413; and *Matter of Allied Mills, Inc., Plant #1*, 57 N. L. R. B. 1807.

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 Chickasaw Wood Products Company, doing business as Chickasaw Cooperage Company, Memphis, Tennessee, 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 Fifteenth 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 those employees 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 International Brotherhood of Firemen and Oilers, affiliated with the American Federation of Labor, for the purposes of collective bargaining.