

In the Matter of **KELLOGG LUMBER COMPANY** and **UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, CARPENTERS LOCAL UNION No. 2936, A. F. OF L.**

Case No. 15-R-1249.—Decided December 29, 1944

Mr. Ronald L. Davis, of Monroe, La., for the Company.

Mr. Hilton C. Hazel, of Monroe, La., for the Union.

Mr. Harold M. Humphreys, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Brotherhood of Carpenters and Joiners of America, Carpenters Local Union No. 2936, A. F. of L., herein called the Union; alleging that a question affecting commerce had arisen concerning the representation of employees of Kellogg Lumber Company, Monroe, Louisiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Laurence H. Whitlow, Trial Examiner. Said hearing was held at Monroe, Louisiana, on December 1, 1944. The Company and the Union 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.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Kellogg Lumber Company is a partnership having its principal office and place of business at Monroe, Louisiana, where it is engaged in the manufacture of lumber products. Logs used by the Company are purchased within the State of Louisiana. For the past 3 months

the Company's total output amounted in value to approximately \$170,000, of which approximately 85 percent was shipped to points outside the State of Louisiana.

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

II. THE ORGANIZATION INVOLVED

United Brotherhood of Carpenters and Joiners of America, Carpenters Local Union No. 2936, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

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

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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 accordance with the agreement of the parties, that all production and maintenance employees of the Company at its Monroe, Louisiana, plant, excluding office and 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 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.

¹ The Field Examiner reported that the Union submitted 67 cards, and that the names of 37 persons appearing on the cards were listed on the Company's pay roll of November 1, 1944, which contained the names of 106 employees in the alleged appropriate unit.

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 Kellogg Lumber Company, Monroe, Louisiana, 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 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 United Brotherhood of Carpenters and Joiners of America, Carpenters Local Union No. 2936, A. F. of L., for the purposes of collective bargaining.