

IN the Matter of W. R. WRAPE STAVE COMPANY and INTERNATIONAL
WOODWORKERS OF AMERICA, AFFILIATED WITH CONGRESS OF INDUSTRIAL
ORGANIZATIONS

Case No. 15-R-1236.—Decided January 2, 1945

Mr. George Kamenow, of Detroit, Mich., and *Mr. D. K. Hawthorné*,
of Little Rock, Ark., for the Company.

Mr. Lloyd C. Welch, of Little Rock, Ark., for the Union.

Miss Ruth Rusch, of counsel to the Board.

DECISION.

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Woodworkers of America, affiliated with Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employées of W. R. Wrape Stave Company, Little Rock, Arkansas, 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 Little Rock, Arkansas, on December 4, 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. At the hearing, the Company moved to dismiss the Union's petition on the ground that there has been no proof of interest of its employees in the Union. The Trial Examiner reserved ruling on the Company's motion for the Board's determination. For reasons stated in Section III, *infra*, the Company's motion is hereby denied. 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:

59 N. L. R. B., No. 255.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company is an Arkansas corporation engaged in the manufacture of staves for barrels and dimension stock. The Company's purchases amount to more than \$100,000 in value annually, all of which are made within the State of Arkansas. The finished products amount to more than \$200,000 in value annually, of which 80 percent is shipped to points outside the State of Arkansas.

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

II. THE ORGANIZATION INVOLVED

International Woodworkers 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 has refused to grant recognition to the Union as the exclusive bargaining representative of its production and maintenance employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, 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 accordance with the stipulation of the parties and the record, that all production and maintenance employees of the Company at its Little Rock, Arkansas, plant, excluding woods crew, clerical employees, watchmen, engineers, lumber inspectors, superintendents, foremen, subforemen, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such

¹ The Field Examiner reported that the Union submitted application for membership cards, 71 of which bore the names of persons listed on the Company's pay roll, which contained the names of 124 employees in the appropriate unit. The cards were dated: 18 in July 1944, 13 in August 1944, 37 in September 1944, and 3 in October 1944. In view of the Union's showing, we have denied the Company's motion to dismiss the petition. The Company demanded, as an alternative to its motion, that the Union's cards be introduced into evidence. The Trial Examiner correctly denied this request. See *Matter of H. G. Hill Stores, Inc. Warehouse*, 39 N. L. R. B. 874.

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.

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 W. R. Wrape Stave Company, Little Rock, Arkansas, 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 International Woodworkers of America, affiliated with Congress of Industrial Organizations, for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.