

In the Matter of CROWELL LONG LEAF LUMBER COMPANY, INC. and
INTERNATIONAL WOODWORKERS OF AMERICA, C. I. O.

Case No. 15-R-1242.—Decided January 15, 1945

Mr. Carl B. Callaway, of Dallas, Tex., and *Mr. Richard L. Crowell*, of Alexandria, La., for the Company.

Mr. Claud Welch, of Oakdale, La., for the Union.

Mr. Paul Bisgyer, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Woodworkers of America, C. I. O., herein called the Union, alleging that a question concerning representation of employees of Crowell Long Leaf Lumber Company, Inc., Long Leaf, Louisiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before LeRoy Marceau, Trial Examiner. Said hearing was held at Alexandria, Louisiana, on December 7, 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

Crowell Long Leaf Lumber Company, Inc., is a Louisiana corporation having its principal place of business in Long Leaf, Louisiana. At its plant in Long Leaf, with which we are solely concerned, the Company is engaged in the manufacture, processing, and sale of lumber products. Its finished products annually exceed \$750,000, in value,

of which at least 75 percent is 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

International Woodworkers of America, affiliated with the Congress of Industrial Organizations, 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 the Company's employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board 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, substantially in accordance with the parties' agreement, that all production and maintenance employees at the Company's Long Leaf, Louisiana, plant, including night watchmen and transportation employees, but excluding 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 em-

¹The Field Examiner reported that the Union submitted 87 authorization cards bearing the names of persons listed on the Company's pay roll which contained the names of 148 employees in the alleged appropriate unit.

The Company argues that the Field Examiner's report, which was received into evidence over its objection, is not competent proof and is insufficient upon which to base a direction of election in view of the fact that the Company was deprived of the right to cross-examine the Field Examiner and to inspect the authorization cards. For the reasons set forth in *Matter of Seneca Falls Machine Company*, 58 N. L. R. B. 1413, where similar arguments were rejected, we find no merit in the Company's position. "The submission of cards is an administrative expedient adopted by the Board to determine for *itself* whether or not a question concerning representation has arisen. It is a part of the Board's investigatory procedure. . . ." *Matter of Buffalo Arms Corporation*, 57 N. L. R. B. 1560.

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 Crowell Long Leaf Lumber Company, Inc., Long Leaf, 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 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 Woodworkers of America, C. I. O., for the purposes of collective bargaining.