

In the Matter of DAVIS BROS. LUMBER COMPANY, LTD. and LUMBER AND SAWMILL WORKERS UNION, LOCAL 2546, OF UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, A. F. OF L.

Case No. 15-R-1267.—Decided January 26, 1945

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

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

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Lumber and Sawmill Workers Union, Local 2546, of United Brotherhood of Carpenters and Joiners of America, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Davis Bros. Lumber Company, Ltd., Ansley, 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 January 4, 1945. The Company and the Union appeared, participated, and 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

Davis Bros. Lumber Company, Ltd., is a Louisiana corporation with its principal place of business at Ansley, Louisiana, where it is engaged in the production of lumber. From January 1, 1944, to November 15, 1944, \$171,596 worth of the Company's products moved in interstate commerce.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Lumber and Sawmill Workers Union, Local 2546, of United Brotherhood of Carpenters and Joiners of America, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company

III. THE QUESTION CONCERNING REPRESENTATION

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

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union 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 the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Union urges that all production and maintenance employees of the Company, including the woods crews, railroad and track employees, and planer mill, sawmill, and yard crews, but excluding office and clerical employees, commissary and store employees, and supervisory employees, constitute an appropriate bargaining unit. The only controversy with respect to the unit concerns the woods crews. The Company contends that such employees should constitute a separate unit.

The woods crews are engaged in logging and the hauling of logs. They work from 5 to 25 miles away from the remaining employees, who are located at the mills; transportation to and from the woods operations is furnished by the Company. All employees are paid on an hourly basis at the same pay window and are all carried on a single pay roll. Although the respective foremen hire, all applicants must be cleared with the general manager, who is in charge of the Company's entire operations. The record discloses that the entire operations of the Company, including its woods operations, constitute a single integrated enterprise. We conclude that the woods crews should be included in the unit.

We find that all production and maintenance employees of the Company, including the woods crews, railroad and track employees, and

¹The Field Examiner reported that the Union presented 134 membership application cards. There are approximately 207 employees in the appropriate unit.

planer mill, sawmill, and yard crews, but excluding office and clerical employees, commissary and store 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 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.

The Union requests that it appear on the ballot as "Carpenters Local Union 2546, A. F. L." The request is hereby granted.

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 Davis Bros. Lumber Company, Ltd., Ansley, 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 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 Carpenters Local Union 2546, A. F. of L., for the purposes of collective bargaining.

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