

In the Matter of U. S. PLYWOOD CORPORATION and NORTHERN WASHINGTON DISTRICT COUNCIL No. 2, INTERNATIONAL WOODWORKERS OF AMERICA, C. I. O.

Case No. 19-R-1412.—Decided January 31, 1945

Mr. George E. French, of Seattle, Wash., for the Company.

Mr. Karly Larsen, of Seattle, Wash., for the C. I. O.

Mr. Elwyn J. Eagan, of Seattle, Wash., for the A. F. L.

Mr. Harry Nathanson, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Northern Washington District Council No. 2, International Woodworkers of America, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of U. S. Plywood Corporation, Seattle, Washington, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John E. Hedrick, Trial Examiner. Said hearing was held at Seattle, Washington, on November 27, 1944. The Company, the C. I. O., Lumber and Sawmill Workers Local Union No. 2767, A. F. L., herein called the A. F. L., 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

U. S. Plywood Corporation, a New York corporation licensed to do business in the State of Washington, maintains an office at Seattle, Washington. It is engaged in the logging business and in the manufacture of plywood. Since August 1, 1944, at its operations near

Kosmos, Washington,¹ with which we are here concerned, the Company cut approximately 7 million board feet of timber which it shipped to plants within the State of Washington. Approximately 90 percent of the finished products from timber was shipped to points outside the State of Washington.

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

II. THE ORGANIZATIONS INVOLVED

Northern Washington District Council No. 2, International Woodworkers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

Lumber and Sawmill Workers Local Union No. 2767, 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 has refused to grant recognition to the C. I. O. as the exclusive bargaining representative of certain of its employees until the C. I. O. 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 C. I. O. represents a substantial number of employees in the unit hereinafter found appropriate.²

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 parties agree, and we find, that all employees of the Company at its Kosmos, Washington, logging operations, including head loaders, hook tenders, and bull bucks,³ but excluding clerical employees and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of em-

¹ The Kosmos operations are also referred to as the Morton operations.

² The Field Examiner reported that the C. I. O. submitted 41 authorization cards bearing apparently genuine signatures, 37 of which bore names appearing on the Company's pay roll for the period ending October 4, 1944, which contained the names of 55 employees in the unit alleged by the C. I. O. to be appropriate. He further reported that the A. F. L. submitted an undated petition bearing 32 apparently genuine signatures, 28 of which bore names appearing on the same pay roll, and that the petition contained the names of 12 persons on the Company's pay roll who also signed authorization cards for the C. I. O.

The Trial Examiner reported that the C. I. O. submitted 12 additional application for membership cards, all bearing apparently genuine original signatures, and that 3 of said cards bore signatures of persons whose names appeared on the above pay roll.

³ The record does not indicate that the head loaders, hook tenders, and bull bucks exercise supervisory authority within the meaning of our usual definition.

ployees, 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.⁴

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 U. S. Plywood Corporation, Seattle, Washington, 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 Nineteenth 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 they desire to be represented by Northern Washington District Council No. 2, International Woodworkers of America, C. I. O., or by Lumber and Sawmill Workers Local Union No. 2767, A. F. L., for the purposes of collective bargaining, or by neither.

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

⁴ Subsequent to the hearing, the Company sent a letter to the Board, dated December 30, 1944, which is hereby made a part of the record herein, concerning its future operations in the Kosmos area. Inasmuch as there is no definite evidence showing that the Company will discontinue its Kosmos, Washington, logging operations, we perceive no reason for withholding the direction of an election.