

In the Matter of C. H. BOREN, F. C. FRANCOIS AND L. P. WALSH, A CO-PARTNERSHIP, DOING BUSINESS AS NORTH WOODS TIMBER COMPANY and INTERNATIONAL WOODWORKERS OF AMERICA, CIO

Case No. 18-R-1202.—Decided February 23, 1945

Mr. Fabian C. Francois, of Baraga, Mich., for the Company.
Mr. Henry Strauch, of Atlantic Mine, Mich., for the Union.
Mr. Harry Nathanson, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by International Woodworkers of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of C. H. Boren, F. C. Francois and L. P. Walsh, a co-partnership, doing business as North Woods Timber Company, Baraga, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Clyde F. Waers, Trial Examiner. Said hearing was held at Houghton, Michigan, on February 8, 1945. 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

North Woods Timber Company is a co-partnership with its office and principal place of business in Baraga, Michigan. In 1944 the Company purchased logs in the State of Michigan at a cost of approximately \$32,000. For the same period the Company sold approxi-

mately 1,000,000 feet of lumber, pulp, logs and veneer logs at a gross price of approximately \$56,000, of which approximately 95 percent was shipped to points outside the State of Michigan.

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 has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees until it 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

The Union desires a unit consisting of all the production and maintenance employees of the Company's Baraga, Michigan, plant, including lumber truck drivers, tractor drivers, mechanics, filer, millwright, engineer and inspectors, but excluding office and clerical employees, scaler, mill foremen, yard foremen, superintendent, and all other supervisory employees. The Company agrees that the unit sought is appropriate, but contends that the filer, millwright, engineer, and inspectors should be excluded.

Filer and millwright: These employees work directly under the mill foreman, are charged generally with the maintenance of plant machinery, and work independently of other employees in the plant. The filer works in the file room, setting, grinding, and filing saws, and at times works as a millwright. The duties of the millwright are to care for plant machinery. In the event of an emergency, the filer and millwright may request the general foreman for additional assistance; while at such times they direct the work of the employees assigned to them, the general foreman is always present. Although the Company contends that the filer and millwright can make suggestions con-

¹The Field Examiner reported that the Union submitted 24 application for membership cards and that there were 40 employees in the alleged appropriate unit

cerning the operation of machinery which might affect the status of employees, they have no authority to recommend a change in status, as such. We shall include them.

Engineer: This employee has charge of the boilers, steam engine, and fire room. Under his supervision are three employees, one working on each shift. He keeps time records of these employees and has authority to hire and discharge. His status is similar to that of mill foreman or yard foreman. We shall exclude him.

Inspectors: These employees inspect and grade lumber and work directly under the yard foreman who acts as a combination foreman and inspector. In the course of their duties they make daily reports of the lumber graded and inspected, and the Company regards such reports as highly confidential. Since inspectors do not report on matters relating to labor relations and do not possess supervisory authority, we shall include them.

We find that all production and maintenance employees of the Company's Baraga, Michigan, plant, including lumber truck drivers, tractor drivers, mechanics, filer, millwright, and inspectors but excluding office and clerical employees, scaler, engineer, mill foremen, yard foremen, superintendent, 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 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 payroll 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 C. H. Boren, F. C. Francois and L. P. Walsh, a co-partnership, doing business as North Woods Timber Company, Baraga, Michigan, 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 supervi-

sion of the Regional Director for the Eighteenth 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 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, CIO, for the purposes of collective bargaining.