

In the Matter of TOUGAW & OLSON, INC., EMPLOYER AND PETITIONER *and* INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS, LOCAL NO. 910, A. F. L. *and* INTERNATIONAL WOODWORKERS OF AMERICA LOCAL NO. 2-157, C. I. O.

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*Cases Nos. 19-RE-31 and 19-R-2154, respectively.—Decided  
July 30, 1948*

DECISION  
AND  
DIRECTION OF ELECTION

Upon separate petitions duly filed, a consolidated hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of Chairman Herzog and Members Murdock and Gray.

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.
2. The labor organizations named below claim to represent employees of the Employer.
3. The question concerning representation:

For several years, International Woodworkers of America, Local No. 2-157, C. I. O., herein called the Woodworkers, has represented employees engaged in the Employer's logging operations in the vicinity of Wilkinson, Washington, and it now claims to represent them. International Brotherhood of Teamsters claims to represent the log truck drivers employed in the same operations. Faced with these conflicting claims with respect to some of its employees, the Employer

refused to recognize either labor organization and filed its petition in Case No. 19-RE-31. In furtherance of its claim to represent the drivers, the Teamsters filed its petition in Case No. 19-R-2154.

We find that a question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The appropriate unit; the determination of representatives:

The Woodworkers and the Employer contend that all employees engaged in the Employer's logging operations, including the log truck drivers, but excluding supervisors, constitute an appropriate unit. The Teamsters opposes the establishment of such an operation-wide unit, and urges the creation of a separate unit of logging truck drivers, whom it seeks to represent.

The Employer carries on logging operations from May to November each year. This seasonal enterprise is entirely separate from its long established year-round general trucking business, in which it employs a greater number of permanent employees. The employees of the logging operations fall into three general categories: (1) fellers and buckers, who fell the trees and cut them into log lengths; (2) yarders and loaders, who convey the logs by donkey engine and tractor to cleared yarding areas and there load them on trucks and trailers; and (3) truck drivers, who haul the logs to a railroad site where control of the wood passes to the owner of the timber. In the 1947 operations, the drivers hauled the logs a distance of 11 miles over mountain roads.

Of the eight truck drivers who hauled logs in the 1947 operations, four were also employed during the remainder of the year in the Employer's over-the-road trucking business. Whenever the logging operations were suspended for any reason, these employees were assigned to work in the Employer's general trucking enterprise. They have enjoyed the benefits of a seniority system covering all the Employer's general truck drivers. The other four log drivers owned their own trucks and were paid on a footage basis, but the Employer exercised the same authority over all its log drivers. All of them are hired at the Employer's office in the town of Enumclaw and are required to be experienced in their work. The remaining logging employees are seasonal workers, hired at the logging site; they do not regularly return to the Employer from year to year and are not included in the truck drivers' seniority system. There is no transfer of employees between the log drivers and the other logging employees.

The record is not clear as to whether the log drivers have been represented by the Woodworkers or by the Teamsters in the Employer's past bargaining history. Previous collective bargaining con-

tracts with the Woodworkers covered "logging operations" and mentioned, among other employees, transportation crews, but did not specifically include log drivers. The Teamsters has negotiated with the Employer for raises on behalf of the log drivers, and represented them before the War Labor Board. The logging superintendent testified that the Employer always deemed the log drivers excluded from its contracts with the Woodworkers. For the past 13 years the Teamsters has represented the truck drivers in the Employer's general trucking business.

The foregoing facts indicate that the log drivers exercise a definite skill in their work and have interests differing substantially from those of the other employees in the logging operations. It appears, therefore, that they comprise a group sufficiently homogeneous and skilled to constitute a separate bargaining unit.<sup>1</sup> It further appears, however, that the Employer conducts its logging operations as an integrated enterprise and that an operation-wide unit would also be feasible. Accordingly, we shall not now make any finding as to the appropriate unit, but shall determine the desires of the employees themselves by directing an election among the log truck drivers. Upon the results of the election will depend, in part, our determination of the appropriate unit.

The Woodworkers has failed to comply with the filing requirements of Section 9 (f) and (h) of the amended Act. We shall, therefore, not direct an election among the remaining employees in the logging operations, because the Teamsters does not claim or wish to represent these employees, and because the Woodworkers cannot be placed on the ballot in a Board-ordered election.<sup>2</sup>

In accordance with the foregoing, we shall direct that an election be held among all the log truck drivers employed in the Employer's logging operations in the vicinity of Wilkinson, Washington, excluding all supervisors within the meaning of the Act. If, in this election, the employees select the Teamsters, they will be considered to have indicated their desire to constitute a separate bargaining unit.

#### DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and

<sup>1</sup> *Matter of Setzer Box Company*, 64 N. L. R. B. 605.

<sup>2</sup> *Matter of Rite-Form Corset Company, Inc.*, 75 N. L. R. B. 174; *Matter of Herman Loewenstein, Inc.*, 75 N. L. R. B. 377.

supervision of the Regional Director for the Nineteenth Region, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, among the employees in the voting group described above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, 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, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented, for the purposes of collective bargaining, by International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local No. 910, A. F. L.

MEMBER GRAY took no part in the consideration of the above Decision and Direction of Election.