In the Matter of WINTON LUMBER COMPANY, EMPLOYER *and* OPERATING ENGINEERS, LOCAL UNION NO. 3 OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS, A. F. L., PETITIONER

In the Matter of ASSOCIATED LUMBER AND BOX COMPANY, EMPLOYER *and* OPERATING ENGINEERS, LOCAL UNION NO. 3 OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS, A. F. L., PETITIONER

In the Matter of STOCKTON BOX COMPANY, EMPLOYER *and* OPERATING ENGINEERS, LOCAL UNION NO. 3 OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS, A. F. L., PETITIONER

Cases Nos. 20-RC-58, 20-RC-59, and 20-RC-74, respectively.—Decided August 31, 1948

DECISION
AND
ORDER

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 the undersigned Board Members.*

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

1. The Employers are engaged in commerce within the meaning of the National Labor Relations Act.

2. The Petitioner is a labor organization, affiliated with the American Federation of Labor, claiming to represent employees of the Employers.

Central California District Council of Lumber & Sawmill Workers of the United Brotherhood of Carpenters and Joiners of America, acting on behalf of Local Unions 2927, 2873, 2694, and 2925, herein

*Chairman Herzog and Members Murdock and Gray.

called the Intervenor, is a labor organization, affiliated with the American Federation of Labor, claiming to represent employees of the Employer.[1]

3. No questions affecting commerce exist concerning the representation of employees of the Employers, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, because the units sought by the Petitioner are inappropriate. The Employers' and Intervenor's motions to dismiss the petitions are hereby granted.

In each case, the Petitioner generally seeks a unit of motor equipment operators. The Employers and the Intervenor contend that the units sought are inappropriate.

Each of the Employers is engaged in the same business, the manufacture of lumber and box shook. The unit sought in the Winton case (20–RC–58) is typical of that requested in the other cases. In the *Winton* case, the Petitioner seeks to include in one unit all operators of tractors, shovels, cranes, and power blades in woods operations.[2] The tractor operators operate bulldozers used in building logging roads, and "caterpillars" used in hauling logs to the loading point. The shovel and crane operators are primarily engaged in loading logs on trucks. The power blade operators finish roads started by the bulldozers. The equipment operators work their machines in close association with other logging employees not in the unit. The same foremen supervise equipment operators and other woods employees. All woods employees live in the same camp and have similar working conditions.

These equipment operators are skilled employees, but they are not craftsmen.[3] For this reason, and also because the collective bargaining history in the logging and sawmill industry does not support severance of the kind of unit requested by the Petitioner,[4] we find that the units of equipment operators desired by the Petitioner are inappropriate for bargaining purposes. Accordingly, we shall dismiss the petitions.

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[1] The Intervenor has held contracts with two of the Employers and with the predecessor of the third for a number of years on behalf of all woods employees, including motor equipment operators and sawmill employees

[2] In the *Associated* and *Stockton* cases, the Petitioner also wishes to include oilers and repairmen working on such motor equipment.

[3] *Matter of Collins Pine Company*, 54 N. L R B 670

[4] See, for example, *Matter of Willamette National Lumber Company*, 74 N. L. R. B. 569; *Matter of Jerry Aarts d/b/a Jerry Aarts Logging Company*, 69 N. L. R. B. 1371; *Matter of Quincy Lumber Company*, 67 N. L. R B 1119.

ORDER

Upon the basis of the foregoing findings of fact and upon the entire record in these cases, the National Labor Relations Board hereby orders that the petitions for investigation and certification of representatives of employees of Winton Lumber Company, Associated Lumber and Box Company, and Stockton Box Company, filed herein by Operating Engineers, Local Union No. 3 of the International Union of Operating Engineers, A. F. L., be, and they hereby are, dismissed.