

In the Matter of ALDERWOOD PRODUCTS CORPORATION,¹ EMPLOYER and
EVERETT DISTRICT COUNCIL OF LUMBER AND SAWMILL WORKERS,
AFFILIATED WITH UNITED BROTHERHOOD OF CARPENTERS AND JOINERS
OF AMERICA, A. F. L., PETITIONER

Case No. 19-RC-110.—Decided January 13, 1949

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing in this case was held at Everett, Washington, on October 14, 1948, 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 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. 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 Petitioner, in agreement with the Employer, seeks a plant-wide unit of all production and maintenance employees employed by the Employer in its veneer, sawmill, and spool manufacturing plants at Arlington, Washington, excluding clerical employees, supervisors, guards, and professional employees as defined in the Act. Local Union No. 843, International Union of Operating Engineers, A. F. L., herein called the Intervenor, seeks a separate unit of firemen.

The Employer manufactures wood products at Arlington, Washington. It occupies 23 buildings under a lease with the city which imposes

¹ The name appears as amended at the hearing.

*Reynolds, Murdock, and Gray

81 N. L. R. B., No. 21.

upon the Employer the obligation of looking after the maintenance and upkeep of all the buildings. The Employer operates a veneer plant, a spool manufacturing plant, and a sawmill in separate buildings; a fourth building is used as a warehouse, and a fifth houses the boiler plant. The remaining 18 buildings are used for residential purposes by its employees. There are 62 employees on the Employer's pay roll, of whom 51, including the 3 claimed by the Intervenor, are in the plant-wide unit sought by the Petitioner.

Two of the three firemen operate the boilers 16 hours a day, working in two equal shifts. They are under the direct supervision of the plant manager who is in charge of all maintenance. The boiler plant supplies steam not only for production purposes, but also for heating the 18 buildings occupied as residences. The two regular firemen work 6 successive days followed by 2 days of rest. The third fireman is employed in a relief capacity, and thus operates the boilers 4 days a week, spending the other 2 days of his scheduled workweek principally in maintaining and repairing the plumbing and heating system in all the Employer's building. In addition, he averages 6 days a month on production work to which he is transferred only when there is no maintenance work for him to do. Only infrequently, when the relief fireman is off duty, will either of the regular firemen be called upon to do maintenance work, and in such instances their maintenance work is restricted entirely to the heating and plumbing system. General plant maintenance is performed by a separate group of maintenance employees consisting of an electrician, millwright, welder, and two machinists, two of whom are stockholders in the corporation. There is no interchange of employees between the general plant maintenance group and the firemen. The general maintenance men also perform certain repair and maintenance work on the residential buildings, but, unlike the firemen, and principally because they are tenants on the premises, they may be called upon at any hour of the day or night to make some required and urgent repairs. There is no history of collective bargaining for the employees herein involved.

We have held in many instances that boilerhouse employees in manufacturing or processing industries with duties similar to those performed by these employees may be severed from an existing plant-wide unit.² Under the circumstances prevailing herein, we find that the firemen, including the relief fireman who spends the major portion of his time performing the duties of the regular firemen, may, if they so desire, constitute a separate unit. However, we shall make no final

² See *Matter of Crocker, Burbank and Co., Assn.*, 80 N. L. R. B. 774, and cases cited *Matter of The American Sugar Refining Company*, 76 N. L. R. B. 1009, *Matter of E. W. Bliss Company*, 76 N. L. R. B. 475.

determination at this time, but shall first ascertain the desires of these employees as expressed in the election herein directed. If, in this election, the firemen select the Intervenor, they will be taken to have indicated their desire to constitute a separate unit.

Upon evidence elicited by the hearing officer, a question arises as to whether employees who are also stockholders are to be excluded from the residual voting group of production and maintenance employees.³ We have heretofore held that mere ownership of stock is insufficient to exclude an employee, otherwise eligible, from an appropriate collective bargaining unit unless it appears from the record that an employee-stockholder's interest is of such nature as to give him an effective voice in the formulation and determination of corporate policy.⁴ In the absence of conclusive evidence that the employee-stockholders herein concerned exercise as stockholders an effective control over corporate policy, we shall not exclude, simply upon the basis of their stock ownership, such employees from the residual voting group hereinabove mentioned.⁵

We shall direct that the question concerning representation which has arisen be resolved by separate elections by secret ballot among employees within the voting groups described below:

1. All firemen employed by the Employer in its boilerhouse at Arlington, Washington, excluding all supervisors as defined in the Act.

2. All remaining production and maintenance employees employed by the Employer in its veneer, sawmill, and spool manufacturing plants at Arlington, Washington, excluding clerical and professional employees, guards, and supervisors, as defined in the Act.

DIRECTION OF ELECTIONS

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Alderwood Products Corporation, Arlington, Washington, elections 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 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, as amended, among the employees in the voting groups

³ This question does not affect the voting group of firemen, discussed above, since none of the firemen are stockholders

⁴ See *Matter of Cordiano Can Co., Inc.*, 38 N. L. R. B. 905; *Matter of The Steel Storage Company*, 27 N. L. R. B. 210. Cf. *Matter of Union Furniture Company*, 67 N. L. R. B. 1307.

⁵ Stockholders who are members of the board of directors, hold executives or supervisory positions, or fall within any of the other excluded categories are, nevertheless, excluded from the said voting group.

indicated below, 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, 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 elections, and also excluding employees on strike who are not entitled to reinstatement, to determine:

1. Whether the employees in the first voting group described in paragraph numbered 4, above, desire to be represented by Local Union No. 843, International Union of Operating Engineers, A. F. L.; or by Everett District Council of Lumber and Sawmill Workers, affiliated with United Brotherhood of Carpenters and Joiners of America, A. F. L., or by neither;

2. Whether or not the employees in the second group described in paragraph numbered 4, above, desire to be represented by Everett District Council of Lumber and Sawmill Workers, affiliated with United Brotherhood of Carpenters and Joiners of America, A. F. L.