

In the Matter of CHICAGO MILL & LUMBER COMPANY and INTERNATIONAL WOODWORKERS OF AMERICA, CIO

Case No. 15-R-1307.—Decided May 23, 1945

Mr. C. E. Daggett, of Marianna, Ark., *Mr. R. N. Wars*, of Tallulah, La., and *Messrs. J. H. Dunn* and *F. W. Schatz*, of Helena, Ark., for the Company.

Mr. John L. Hawkins, of Memphis, Tenn., for the I. W. A.

Mr. Forrest B. Jackson, of Jackson, Miss., *Mr. Charles Mendenhall*, of Little Rock, Ark., and *Mr. W. A. Hundermark*, of Vicksburg, Miss., for the United.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Woodworkers of America, CIO, herein called the I. W. A., alleging that a question affecting commerce had arisen concerning the representation of employees of Chicago Mill & Lumber Company, Tallulah, Louisiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Walter Wilbur, Trial Examiner. Said hearing was held at Tallulah, Louisiana, on April 23, 1945. At the commencement of the hearing, the Trial Examiner granted a motion of United Brotherhood of Carpenters and Joiners of America, Local 3069, A. F. of L., herein called the United, to intervene. The Company, the I. W. A., and the United appeared, participated, and 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 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

Chicago Mill & Lumber Company is a Delaware corporation operating a plant at Tallulah, Louisiana, where it is engaged in the manufacture of lumber, veneer, boxes, and plywood. The Company annually manufactures products at its Tallulah plant valued in excess of \$100,000, about 90 percent of which is shipped to points outside the State of Louisiana.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

International Woodworkers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

United Brotherhood of Carpenters and Joiners of America, Local 3069, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On December 28, 1944, the I. W. A. notified the Company that it claimed to represent the Company's employees and requested the Company not to enter into any new contracts with any labor organization.

On April 23, 1943, the Company entered into an exclusive collective bargaining contract with the United covering the employees involved herein. Said contract provides that it shall remain in effect until April 23, 1944, and from year to year thereafter unless notice of a desire to terminate is given by either party thereto not less than thirty (30) days prior to any annual expiration date. On March 23, 1944, the contract renewed itself pursuant to its provisions. Inasmuch as the I. W. A. made its claim to representation in a timely fashion, we find that the contract does not constitute a bar to a determination of representatives at this time.

A statement of the Regional Director, made a part of the record subsequent to the hearing, pursuant to a stipulation of the parties, indicates that the I. W. A. and the United each represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

¹ The Regional Director reported that I. W. A. and the United presented 210 authorization cards and 147 membership cards, respectively, bearing the names of persons who appear on the Company's pay roll of February 14, 1945. There are approximately 440 employees in the appropriate unit.

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

We find, in agreement with the parties, that all production and maintenance employees at the Tallulah plant of the Company, excluding watchmen, office, clerical, logging, wood, and railroad employees, and all 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.²

V. THE DETERMINATION OF REPRESENTATIVES

We find that the question concerning representation which has arisen can best be resolved by means of an election by secret ballot.

The I. W. A. and the United request that the pay roll immediately preceding the date of the election be used to determine eligibility to vote. Inasmuch as no persuasive reason for departing from our usual practice appears, we shall direct that the employees eligible to vote shall be those 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.

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 Chicago Mill & Lumber Company, Tallulah, Louisiana, 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 Fifteenth 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

² This is the same unit that is provided for in the contract between the United and the Company, alluded to above.

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 any 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 International Woodworkers of America, CIO, or by United Brotherhood of Carpenters and Joiners of America, Local 3069, A. F. of L., for the purposes of collective bargaining, or by neither.