

In the Matter of HUGO R. A. SCHUMANN, OTTO F. SCHUMANN, GEORGE C. GUENTHER, AND JOHN H. GUENTHER, PARTNERS D/B/A DURA-PAC PRODUCTS COMPANY, and UNITED CONSTRUCTION WORKERS, AFFILIATED WITH UNITED MINE WORKERS OF AMERICA

*Case No. 6-R-1119.—Decided May 25, 1945*

*Mr. Joseph E. Logan*, of Punxsutawney, Pa., for the Company.

*Mr. Anthony Ross*, of Punxsutawney, Pa., and *Mr. Rudolph Michelie*, of Johnstown, Pa., for the Union.

*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Construction Workers, affiliated with United Mine Workers of America, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Hugo R. A. Schumann, Otto F. Schumann, George C. Guenther, and John H. Guenther, partners d/b/a Dura-Pac Products Company, Punxsutawney, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Allen Sinsheimer, Jr., Trial Examiner. Said hearing was held at Brookville, Pennsylvania, on April 30, 1945. The Company and the Union 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

Dura-Pac Products Company is a partnership engaged in the manufacture of canvas products at Punxsutawney, Pennsylvania. During

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the 9-month period preceding the hearing, the Company purchased raw materials valued at about \$100,000, substantially all of which was shipped to it from points outside the Commonwealth of Pennsylvania. During the same period the Company sold products valued at about \$150,000, all of which was shipped to points outside the Commonwealth of Pennsylvania.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

United Construction Workers, affiliated with United Mine Workers of America, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

During February 1945 the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

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 of the Company, including watchmen,<sup>2</sup> but excluding clerical employees, foremen, foreladies, and any other supervisory employees with authority to hire, promote, discharge, discipline, 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 means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of

<sup>1</sup> The Field Examiner reported that the Union presented 65 authorization cards. There are approximately 97 employees in the appropriate unit.

<sup>2</sup> The watchmen are neither militarized nor deputized

Election herein, subject to the limitations and additions set forth in the Direction.

The Company employs three high school students who work 4 hours per day, 5 days per week, and 8 hours on Saturdays. They receive the same rate of pay as the regular employees performing similar work. The Union urges that they be deemed eligible to vote, while the Company contends that they should be deemed ineligible. Inasmuch as the high school students work on a regular schedule and under conditions comparable to those of the regular employees, we conclude that they have a sufficient interest in the selection of a bargaining representative to entitle them to vote in the election.

The union requests that it appear on the ballot as "United Construction Workers, U. M. W. A." The request is hereby granted.

### 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 Hugo R. A. Schumann, Otto F. Schumann, George C. Guenther, and John H. Guenther, partners d/b/a Dura-Pac Products Company, Punxsutawney, Pennsylvania, 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 Sixth 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 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 or not they desire to be represented by United Construction Workers, U. M. W. A., for the purposes of collective bargaining.