

In the Matter of G. F. WINGERT, L. F. WINGERT, AND J. B. WINGERT,  
CO-PARTNERS, D/B/A SALEM PRODUCE CO. and AMALGAMATED MEAT  
CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA, LOCAL 52,  
AND INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS,  
WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL 749, A. F. OF L.

*Case No. 18-R-1293.—Decided June 20, 1945*

*Mr. G. F. Wingert*, of Minneapolis, Minn., for the Company.

*Mr. Max Crowell*, of Sioux Falls, S. D., and *Mr. William V. Sinnott*,  
of Watertown, S. D., for the Unions.

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

## DECISION

AND

## DIRECTION OF ELECTION

### STATEMENT OF THE CASE

Upon joint petition duly filed by Amalgamated Meat Cutters and Butcher Workmen of North America, Local 52, and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 749, A. F. of L., herein collectively called the Unions, alleging that a question affecting commerce had arisen concerning the representation of employees of G. F. Wingert, L. F. Wingert, and J. B. Wingert, co-partners, d/b/a Salem Produce Co., Salem, South Dakota, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stephen M. Reynolds, Trial Examiner. Said hearing was held at Salem, South Dakota, on May 25, 1945. The Company and the Unions 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

G. F. Wingert, L. F. Wingert, and J. B. Wingert, co-partners, d/b/a Salem Produce Co., are engaged in the poultry and egg business at Salem, South Dakota. The Company annually purchases supplies from points outside the State of South Dakota, valued in excess of \$25,000. During 1944 the Company sold produce valued at about \$1,500,000, all of which was shipped to points outside the State of South Dakota.

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

## II. THE ORGANIZATIONS INVOLVED

Amalgamated Meat Cutters and Butcher Workmen of North America, Local 52, and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 749, are labor organizations affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Unions as the exclusive collective bargaining representatives of its employees until such time as the Unions are certified by the Board.

A statement of the Trial Examiner, read into evidence at the hearing, indicates that the Unions represent 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 substantial accord with a stipulation of the parties, that all employees at the Salem, South Dakota, plant of the Company, excluding clerical employees, plant manager, plant superintendent, and any other 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.

## V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has

<sup>1</sup>The Trial Examiner reported that the Unions presented 28 authorization cards. There are approximately 50 persons in the appropriate unit

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 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 G. F. Wingert, L. F. Wingert, and J. B. Wingert, co-partners, d/b/a Salem Produce Co., Salem, South Dakota, 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 Eighteenth 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 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 or not they desire to be represented jointly by Amalgamated Meat Cutters and Butcher Workmen of North America, Local 52, and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 749, A. F. of L., for the purposes of collective bargaining.