

In the Matter of COLUMBIA RIVER PACKERS ASSOCIATION, INC. and  
INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 87,  
AFL

Case No. 19-R-1563.—Decided October 10, 1945

*Mr. James H. Cellars*, of Astoria, Oreg., for the Company.

*Mr. C. R. Owen*, of Portland, Oreg., for the Operating Engineers.

*Mr. Henry Niemela*, of Astoria, Oreg., for the C. I. O.

*Mr. Stanley B. Korengold*, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by International Union of Operating Engineers, Local Union No., 87, AFL, herein called the Operating Engineers, alleging that a question affecting commerce had arisen concerning the representation of employees of Columbia River Packers Association, Inc., Astoria, Oregon, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Erwin A. Peterson, Trial Examiner. The hearing was held at Astoria, Oregon, on June 26, 1945. The Company, the Operating Engineers, and the Columbia River Fishermen's Protective Union, C. I. O., herein called the C. I. O., appeared and participated. All parties 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 an 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

Columbia River Packers Association, Inc., an Oregon corporation, is engaged in the business of canning, processing, and distributing fish and other seafood. The Company maintains 5 processing plants.

2 of which are located in Alaska. The remaining 3 plants consist of canneries at Astoria, Oregon, and Altoona, Washington, and a cold storage plant at Astoria, Oregon. In addition, the Company operates a shipyard, a machine shop, a can factory, and approximately 35 stations for receiving and handling fish. The Company's entire operations are administered through its main office at Astoria, Oregon. Only the Company's Astoria plant operations are here involved. Approximately 90 percent of the products of the Astoria plant is shipped to points outside the State of Oregon. During the year 1944, the Company's sales were valued in excess of \$5,000,000.

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

## II. THE ORGANIZATIONS INVOLVED

International Union of Operating Engineers, Local Union No. 87, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

Columbia River Fishermen's Protective Union, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

## III. THE ALLEGED APPROPRIATE UNIT

In December 1942 the Operating Engineers petitioned the Board for certification as the exclusive bargaining representative of all operating engineers and apprentices employed by the Company. The Board dismissed the petition upon finding that the bargaining unit sought was inappropriate.<sup>1</sup> On April 26, 1945, the Operating Engineers again filed a petition with the Board requesting certification in a unit of operating engineers. The Company contends that the unit sought is inappropriate and also that the Company's contract with the C. I. O. constitutes a bar. In view of our finding herein, with regard to the appropriate unit, it is unnecessary to consider the contention of the Company with respect to the contract.

The Company employs five operating engineers, including the chief engineer. The operating engineers work in the plant's cold storage department where they operate and service the Company's refrigeration equipment; they regulate and control the temperatures in the ice tanks and in the freezing and cold storage rooms. The operating engineers are not a skilled group;<sup>2</sup> most of them have had little training or experience in refrigeration mechanics before being employed by the Company; their apprenticeship period often lasts no longer than a few

<sup>1</sup> *Matter of Columbia River Packers Association, Inc.*, 52 N L R B 535.

<sup>2</sup> The chief engineer, a skilled mechanic, is the sole person qualified to repair the plant's refrigeration equipment.

weeks, after which they are permitted to assume the full responsibilities of their job. The record also indicates that the operating engineers do minor maintenance work in other parts of the plant and perform incidental tasks which are similar to those performed by other employees in the plant.

In the earlier proceeding, referred to above, we held that the operating engineers were not a skilled-craft group, entitled to recognition in a separate bargaining unit.<sup>3</sup> The record we now have before us presents no evidence that the duties of the operating engineers have materially changed since the time of our previous decision. Accordingly, we see no reason to depart from our prior determination. We, therefore, find that the unit sought by the Operating Engineers is inappropriate for the purposes of collective bargaining.

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as we have held in Section III, above, the bargaining unit sought by the Operating Engineers is inappropriate for the purposes of collective bargaining, we find that no question affecting commerce has arisen concerning the representation of employees of the Company within the meaning of Section 9 (c) of the National Labor Relations Act. We shall, therefore, dismiss the petition.

#### ORDER

Upon the basis of the foregoing findings of fact and the entire record in the case, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Columbia River Packers Association, Inc., Astoria, Oregon, filed by International Union of Operating Engineers, Local Union No. 87, AFL, be, and it hereby is, dismissed.

<sup>3</sup> See footnote 1, *supra*.