

In the Matter of R. G. WATT, ALICE McCOURT LAMM, AND W. E. LAMM, d/b/a DESCHUTES LUMBER COMPANY AND HERBERT McMAHON, d/b/a S & M LOGGING COMPANY and LUMBER AND SAWMILL WORKERS, LOCAL 2608, A. F. OF L.

In the Matter of R. G. WATT, W. E. LAMM, AND ALICE McCOURT LAMM, d/b/a DESCHUTES LUMBER COMPANY and INTERNATIONAL WOODWORKERS OF AMERICA (C. I. O.)

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*Cases Nos. 20-R-1383, 20-R-1387, and 20-R-1454, respectively.—  
Decided November 8, 1945*

*Mr. C. L. Irving*, of Klamath Falls, Oreg., for the Companies.

*Mr. D. H. Riggs*, of Sacramento, Calif., for the AFL.

*Mr. H. H. Watson*, of Greenville, Calif., for the CIO.

*Mr. Glenn L. Moller*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petitions duly filed by Lumber and Sawmill Workers, Local 2608, A. F. of L., herein called the AFL and by International Woodworkers of America (C. I. O.), herein called the CIO, alleging that questions affecting commerce had arisen concerning the representation of employees of R. G. Watt, Alice McCourt Lamm and W. E. Lamm, d/b/a Deschutes Lumber Company, herein called Deschutes and Herbert McMahon, d/b/a S & M Logging Company, herein called McMahon,<sup>1</sup> both of Anderson, California, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before Wallace E. Royster, Trial Examiner. The

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<sup>1</sup> The pleadings were amended at the Hearing to correctly designate the employers as set forth above. The two employers are sometimes collectively referred to herein as the Companies.

hearing was held at Redding, California, on July 24, 1945. Deschutes and McMahon, the AFL, and the CIO 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 COMPANIES

R. G. Watt, W. E. Lamm, and Alice McCourt Lamm, a partnership doing business under the name Deschutes Lumber Company, are engaged in the cutting of timber and processing of timber into lumber. Deschutes operates a logging camp near Fern, California, and a sawmill at Anderson, California. The entire output of the logging operations is milled at the sawmill. During the year 1945 Deschutes will produce at its sawmill approximately 20,000,000 board feet of lumber, all of which is delivered at the mill to Stockton Box Company which sells box shooks to fruit and vegetable packers who ship their products in interstate commerce.

Herbert G. McMahon is an individual doing business as S & M Logging Company and is engaged solely in the transportation by truck of logs from Deschutes' logging operations to that Company's mill. The parties, including McMahon, stipulated that for the purposes of this proceeding, and for the purposes of dealing with any bargaining representative which may be certified herein, Deschutes and McMahon constitute a single employer.

The Companies admit that they are engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATIONS INVOLVED

Lumber and Sawmill Workers, Local 2608, affiliated with the American Federation of Labor is a labor organization admitting to membership employees of the Companies.

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

#### III. THE QUESTION CONCERNING REPRESENTATION

The Companies have refused to grant recognition to either the AFL or the CIO as the exclusive bargaining representative of their

employees until a representative has been certified by the Board in an appropriate unit.

Statements of a Board agent, introduced into evidence at the hearing indicate that the AFL represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</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

In its original petitions in this proceeding the AFL requested separate units covering, respectively, the employees of Deschutes and McMahon at the sawmill, including truck drivers, and the maintenance logging, and cookhouse employees of Deschutes at the Fern woods operation. At the hearing, the AFL and both Companies contended that all employees at both operations, excluding supervisory and clerical employees, should comprise a single unit. These parties argued that the combined woods, sawmill, and trucking unit is the only appropriate one for the employees in this relatively small and highly integrated operation, and there is considerable evidence supporting their position. The CIO, which originally requested a unit confined to maintenance, logging, and cookhouse employees at the logging camp, has notified the Board since the hearing that it no longer objects to the single, over-all unit desired by the AFL and the Companies.<sup>3</sup> Thus, all parties are now in agreement as to both the scope and composition of the appropriate unit. In accordance with their agreement, and the record, we find that all employees of Deschutes and McMahon at Deschutes' sawmill and yard<sup>4</sup> at Anderson, California, and its logging camp near Fern, California, including truck drivers, mechanics, and greaser, but excluding clerical employees, supervisory employees at the mill,<sup>5</sup> and the superintendent, logging boss, and falling boss at the camp, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

<sup>2</sup> The Board agent reported that the AFL submitted 40 application cards, 30 of which bore the names of persons listed on the Companies' pay roll of April 30, 1945. The CIO submitted 26 application cards, 20 of which bore the names of persons listed on the same pay roll. There are approximately 30 employees in the woods operation, for which the CIO originally petitioned as a separate unit; there are approximately 73 employees in the combined woods and mill operation, the unit sought by the AFL.

<sup>3</sup> This advice was contained in a telegram signed by H. H. Watson, who represented the CIO at the hearing. The telegram, dated October 20, 1945, is hereby made a part of the record.

<sup>4</sup> Including certain employees now temporarily on the pay roll of Stockton Box Company, who work at Deschutes millyard under the direction and control of the Deschutes general manager.

<sup>5</sup> All parties agree that these are the mill foreman, night mill boss, and yard and shipping foreman at the mill.

## V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by 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 the 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 Deschutes Lumber Company and S & M Logging Company, Anderson, California, 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 Twentieth 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 those employees 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 Lumber and Sawmill Workers, Local 2608, affiliated with the American Federation of Labor or by International Woodworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.