

In the Matter of WILLIAMSPORT FURNITURE COMPANY *and* UNITED
FURNITURE WORKERS OF AMERICA, C. I. O.

Case No. 4-R-1827.—Decided November 29, 1945

Mr. Joseph M. McNerney, of Williamsport, Pa., for the Company.

Mr. Michael Ardis, of Williamsport, Pa., for the Union.

Mr. Donald B. Brady, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Furniture Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Williamsport Furniture Company, Williamsport, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. The hearing was held at Williamsport, Pennsylvania, on August 17, 1945. The Company and the Union 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. During the course of the hearing, the Company moved to dismiss the petition on the ground that it had not been afforded an opportunity to examine and ascertain the authenticity of authorization cards, submitted by the Union to the Board to substantiate its claim of interest. The Trial Examiner referred this motion to the Board. The Company's motion is hereby denied for reasons indicated in Section III. 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

Williamsport Furniture Company is a Pennsylvania corporation engaged in the manufacture of wooden shipping containers and civil-

ian desks. Approximately 65 percent of the value of its production was devoted to the war effort. The Company's annual purchases of raw materials consist principally of wood which is valued at more than \$300,000, of which more than 90 percent is received from points outside the Commonwealth of Pennsylvania. The Company's finished products are annually valued at more than \$500,000, of which 26 percent is shipped to points outside the Commonwealth of Pennsylvania.

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

II. THE ORGANIZATION INVOLVED

United Furniture Workers of America is a labor organization, affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

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 conformity with the stipulation of the parties, that all production and maintenance employees of the Company at its Williamsport plant, including watchmen, firemen, and truck drivers, but excluding managerial staff, office workers, and 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.

¹ The Field Examiner reported that the Union submitted 52 authorization cards and there are approximately 100 persons in the appropriate unit. During the hearing it developed that there are now less than 50 persons in the appropriate unit.

The Company requested that it be permitted to examine the cards "for the purpose of testing the validity of the signatures on the cards and for the further purpose of determining the number of cards. . . ." This request was properly denied by the Trial Examiner. See *Matter of Buffalo Arms Corporation*, 57 N. L. R. B. 1560; *Matter of Amos-Thompson Corporation* 49 N. L. R. B. 423; *Matter of Bakelite Corporation* 60 N. L. R. B. 318.

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 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 Williamsport Furniture Company, Williamsport, Pennsylvania, an election by secret ballot shall be conducted as early as possible, but not later than sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fourth 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 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 or not they desire to be represented by United Furniture Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.