

In the Matter of WHITE & DASHIELL, INC., EMPLOYER *and* INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL 822, AFL, PETITIONER

Case No. 5-R-2482.—Decided October 11, 1946

Mr. James G. Martin, of Norfolk, Va., for the Employer.

Mr. Roy T. Evans, of Norfolk, Va., for the Petitioner.

Mr. Martin E. Rendelman, of counsel to the Board.

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

Upon a petition duly filed, the National Labor Relations Board, on August 28, 1946, conducted a prehearing election among the employees of the Employer in the alleged appropriate unit, to determine whether or not they desired to be represented by the Petitioner for the purposes of collective bargaining.

At the close of the election a Tally of Ballots was furnished the parties. The Tally shows that there were about 14 eligible voters, 11 of whom cast valid ballots in favor of the Petitioner and 1 against; there was 1 void ballot.

Thereafter, hearing in the case was held on September 13, 1946, at Norfolk, Virginia, before George L. Weasler, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

White & Dashiell, Inc., is a Virginia corporation with its sole plant located at Norfolk, Virginia, where it is engaged in the retail coal, wood, and fuel oil business. During the year 1945, the Employer purchased coal, wood, and fuel oil valued in excess of \$246,000, 85 percent of which was shipped to the Employer's plant from points outside the State of Virginia. During the same period the Employ-

er's sales of coal, wood, and fuel oil were valued in excess of \$420,000, 4 percent of which was sold and shipped to points outside the State of Virginia.

We find that the Employer is engaged in commerce within the meaning of the National Labor Relations Act.¹

II. THE ORGANIZATION INVOLVED

The Petitioner is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Petitioner as the exclusive bargaining representative of employees of the Employer until the Petitioner has been certified by the Board in an appropriate unit.

We find that a question affecting commerce has arisen concerning the representation of employees of the Employer, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

In accordance with the stipulation of the parties, we find that all fuel truck drivers, wagon drivers, cart drivers, yardmen, helpers, truck drivers and watchmen, employed by the Employer, but excluding clerical employees, foremen, and all 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

The results of the election held previous to the hearing show that the Petitioner has received a majority of the votes cast, and we shall, therefore, certify the Petitioner as the collective bargaining representative of the employees in the appropriate unit.

CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Re-

¹ See *N L R B v Richter's Bakery*, 140 F (2d) 870 (C C A 5), cert den 322 U S. 754, *N L R B v Poultrymen's Service Corporation*, 138 F (2d) 204 (C C A 3), *N L R B v Suburban Lumber Company*, 121 F (2d) 829 (C C A 3), cert den 314 U S 693, *Matter of Lewis Tire Service Company*, 62 N L R B 531, *Matter of Beloit Lumber & Fuel Co*, 58 N L R B 1633, *Matter of Oscar K. Kjolhe Company*, 55 N. L R. B 122

lations Act, and pursuant to Sections 203.54 and 203.55, of National Labor Relations Board Rules and Regulations—Series 4,

IT IS HEREBY CERTIFIED that International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 822, AFL, has been designated and selected by a majority of the employees in the unit hereinabove found appropriate in the employ of White & Dashiell, Inc., Norfolk, Virginia, as their representative for the purposes of collective bargaining, and that pursuant to Section 9 (c) of the Act, the said organization is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.