

In the Matter of JASPER CABINET COMPANY *and* FURNITURE & VENEER WORKERS LOCAL UNION #331, AFFILIATED WITH UPHOLSTERERS INTERNATIONAL UNION OF NORTH AMERICA, A. F. OF L. *and* UNITED FURNITURE WORKERS OF AMERICA, LOCAL 331, CIO

Case No. 11-RE-6.—Decided November 19, 1946

Messrs. P. McKinley Harris and William S. Love, both of Louisville, Ky., for the Employer.

Mr. Joseph Jacobs, of Chicago, Ill., and *Mr. Robert D. Malarney*, of Indianapolis, Ind., for the A. F. of L.

Mr. Oliver A. Switzer, of South Bend, Ind., for the CIO.

Mr. Warren H. Leland, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Jasper, Indiana, on October 7, 1946, before Arthur R. Donovan, 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

Jasper Cabinet Company, herein called the Employer, is an Indiana corporation with its principal office and place of business located in Jasper, Indiana, where it is engaged in the manufacture and sale of furniture. During the past year the Employer purchased raw materials, consisting principally of lumber, veneers, hardware, and finishing materials, valued in excess of \$250,000 approximately 90 percent of which was received from points outside the State of Indiana. During the same period the Employer manufactured and sold finished products, valued in excess of \$500,000, approximately 90 percent of which was sold and shipped to points outside the State of Indiana.

The Employer admits and we find that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

Furniture & Veneer Workers Local Union #331, affiliated with Upholsterers International Union of North America, herein called the A. F. of L., is affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

United Furniture Workers of America, Local 331, herein called the CIO, is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

Faced with the conflicting claims of representation made by the A. F. of L. and the CIO, the Employer filed the original petition in this case on September 3, 1946.¹

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 agreement of the parties, we find that all production and maintenance employees of the Employer's Jasper, Indiana, plant, including firemen and watchmen, but excluding all office and clerical employees, and all 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.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Jasper Cabinet Company, Jasper, Indiana, 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 Eleventh Region, acting in this matter as agent for the National Labor Relations Board, and subject to Sections 203.55 and 203.56, of National Labor Relations Board Rules and Regulations—Series 4, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period

¹A contract between the Employer and the CIO, dated September 17, 1945, is not raised as a bar to an election.

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 Furniture & Veneer Workers Local Union #331, affiliated with Upholsterers International Union of North America, A. F. of L., or by United Furniture Workers of America, Local 331, CIO, for the purposes of collective bargaining, or by neither.