

In the Matter of WELLS FURNITURE MANUFACTURING COMPANY,  
EMPLOYER and INTERNATIONAL WOODWORKERS OF AMERICA, C. I. O.,  
PETITIONER

*Case No. 15-R-1950.—Decided January 9, 1947*

*Mr. Ellis Cooper*, of Laurel, Miss., for the Employer.

*Messrs. R. W. Starnes and John A. Ritter*, of Jackson, Miss., for the Petitioner.

*Mr. Philip Licari*, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Laurel, Mississippi, on November 8, 1946, before Jerome Q. Reiner, 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

Wells Furniture Manufacturing Company, a Mississippi corporation, is engaged at Laurel, Mississippi, in the manufacture, sale, and distribution of furniture. During the 6-month period ending September 8, 1946, the Employer purchased raw materials valued in excess of \$25,000, of which 40 percent was shipped from points outside the State of Mississippi. During the same period, the Employer manufactured finished products valued at over \$35,000, of which 90 percent was shipped to points outside the State of Mississippi.

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

II. THE ORGANIZATION INVOLVED

The Petitioner is a labor organization affiliated with the Congress of Industrial Organizations, 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

We find, in substantial accord with the agreement of the parties, that all the production and maintenance employees at the Employer's Laurel, Mississippi, plant, including watchmen, but excluding 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.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot, subject to the limitations and additions set forth in the Direction.<sup>1</sup>

#### DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Wells Furniture Manufacturing Company, Laurel, Mississippi, 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 Fifteenth 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 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 International Woodworkers of America, C. I. O., for the purposes of collective bargaining.

<sup>1</sup> On or about September 9, 1946, the Employer laid off 20 of its employees because of lack of work and inefficiency on the part of these workers. A representative of the Employer testified that although the Employer might possibly rehire a few of these employees sometime in the future, it considers them permanently severed from its force.

Accordingly, contrary to the Petitioner's contention, we find that the 20 employees laid off are not eligible to vote.