

In the Matter of WESTBROOK MANUFACTURING COMPANY, EMPLOYER  
and UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,  
A. F. L., PETITIONER

*Case No. 15-R-1936.—Decided February 18, 1947*

*Mr. Harold Cox*, of Jackson, Miss., for the Employer.

*Messrs. W. D. Bric* and *W. F. Wells*, both of Jackson, Miss., for the  
Petitioner.

*Mr. David C. Sachs*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Jackson, Mississippi, on November 7, 1946, before Jerome A. 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

Westbrook Manufacturing Company is a copartnership composed of W. V. Westbrook, Rondo A. Westbrook and J. L. Westbrook, having its plant and principal place of business at Jackson, Mississippi. It is engaged in the manufacture, sale, and distribution of store and restaurant equipment. During the year ending October 31, 1946, the Employer purchased raw materials consisting of lumber, metal, hardwood, glass, and other products, valued in excess of \$100,000, of which approximately 50 percent was shipped to its plant in Jackson, Mississippi, from points outside the State of Mississippi. During the same period the Employer sold finished products consisting of store and restaurant equipment, valued in excess of \$100,000, of which 50 percent went into or through States other than 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 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.<sup>1</sup>

## IV. THE APPROPRIATE UNIT

The Petitioner seeks a unit composed of all production and maintenance employees of the Employer, including employees in the supply department and the watchman, but excluding supervisory and clerical personnel. Contrary to the Petitioner's desires, however, the Employer seeks the exclusion of 13 "G. I." trainees engaged in production and maintenance work as well as the exclusion of the watchman. Some question also exists concerning the inclusion of supply department employees.

*Supply department employees:* In connection with its business of manufacturing and selling restaurant equipment the Employer sells to its customers, glassware, kitchen utensils, dishes, silverware, stoves, and other items not of its own manufacture. This merchandise is handled in its supply department. The Petitioner desires these employees to be included in the unit and the Employer, although contending that they are not engaged in production and maintenance work, nevertheless, does not object to including them. We shall include the employees of the supply department inasmuch as they are engaged in handling merchandise and have a strong community of interest with the production and maintenance workers.

*The watchman:* Since the duties of the sole watchman are wholly custodial in nature, we shall include him.

*G. I. trainees:* The Employer has on its pay roll 13 veterans of World War II referred to in the record as "G. I. trainees" who are

---

<sup>1</sup>The Employer stipulated at the hearing that a question concerning representation exists.

engaged in various classifications of production work pursuant to the "on the job training program" of the Veterans Administration. Under this program, which has been in force since January 1, 1946, a veteran is referred to the Employer by the Veterans Administration and the Employer may hire him or not as it sees fit. When engaged, the veteran may be disciplined or discharged by the Employer as in the case of any ordinary employee. Veterans receive training in the various classifications of work in which they are employed and earn appropriate rates of pay.<sup>2</sup> The Employer pays the veterans from its own funds, receiving no reimbursement from any source although a portion of the total compensation received by the veteran is paid to him by the Government under legislation designed to assist veterans in their return to civilian life. The Employer makes monthly reports to the Veterans Administration showing the number of hours worked and the progress made. Some of the trainees have already become regular employees of the Employer. The trainees have a reasonable expectation of becoming regular employees upon the completion of their training program and the Employer intends to hire some of them as such, depending upon their qualifications and available vacancies at the time.

The Employer contends that these men should not be included in the unit because they are students in training, they are more difficult to discipline and they are not as productive as ordinary employees. We find no merit to this contention. The trainees are employed on production work in the same manner as other employees. They are obliged to conform to plant rules as to conduct and work requirements, are paid on a basis comparable to other employees and have reasonable expectation of eventually becoming ordinary employees. We are of the opinion that they have sufficient interest in collective bargaining concerning wages, hours, and working conditions to warrant their inclusion in the unit.<sup>3</sup>

We find that all production and maintenance employees of the Employer, including employees in the supply department, the watchman, and G. I. trainees, 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.

---

<sup>2</sup> The record discloses that the trainees are paid on average of 75 cents an hour, whereas ordinary employees earn an average of 85 cents an hour. This difference is in all probability accounted for by the fact that the trainees start out on apprentice rates.

<sup>3</sup> *Matter of Atlantic Towing Company*, 71 N. L. R. B. 640.

## DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Westbrook Manufacturing Company, Jackson, 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 United Brotherhood of Carpenters and Joiners of America, A. F. L., for the purposes of collective bargaining.