

In the Matter of WHITE PINE LUMBER COMPANY, EMPLOYER and  
INTERNATIONAL WOODWORKERS OF AMERICA, C. I. O., PETITIONER

*Case No. 19-R-1970.—Decided March 19, 1947*

*Mr. P. Soderberg*, of Orofino, Idaho, for the Employer.

*Mr. Frank Gordon*, of Lewiston, Idaho, and *Mr. Frank Jenkins*, of  
Pierce, Idaho, for the Petitioner.

*Mr. Edwin Pierson*, of Bovill, Idaho, and *Mr. Frank Clem*, of  
Lewiston, Idaho, for the Intervenor.

*Mr. Stanley Segal*, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Orofino, Idaho, on October 24, 1946, before David C. Sachs, 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 Pine Lumber Company is an Idaho corporation having its principal place of business in Orofino, Idaho. It is engaged in logging, sawing, and milling operations at Orofino, Grangemont, and other points in Clearwater County, Idaho. This proceeding involves only the Employer's band mill at Grangemont, Idaho, and the logging operations connected therewith. The band mill annually produces in excess of 3,500,000 board feet of lumber valued in excess of \$125,000, approximately 75 percent of which is shipped outside the State.

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

II. THE ORGANIZATIONS INVOLVED

The Petitioner is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

Inland Empire District Council, Lumber and Sawmill Woodworkers Union, herein called the Intervenor, 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.

On November 29, 1944, the Employer and the Intervenor executed a collective bargaining agreement for a 1-year term with provision for automatic renewal from year to year thereafter unless either party gave notice of a desire to terminate the agreement at least 30 days before any anniversary date. The contract further provided that the wage provisions of the agreement might be reopened at any time upon the service of proper notice. The agreement was automatically renewed in 1945. On January 19, 1946, the contracting parties signed a supplementary agreement changing the wage clauses of the existing contract "for the year 1946." On August 9, 1946, the Petitioner filed its petition.

The Intervenor contends that the wording of the supplementary agreement indicates that the original agreement was extended to January 19, 1947, and, therefore, is a bar. We find it unnecessary to determine whether the anniversary date of the 1944 contract, as supplemented, was November 29, 1946, as urged by the Petitioner, or January 19, 1947, as argued by the Intervenor. In either case, the anniversary date has already passed. Inasmuch as the present petition was filed before the Mill B or operative date of the automatic renewal clause in the 1944 agreement, as supplemented, whether the anniversary date be November 29, 1946, or January 19, 1947, we find that it is not a bar to a present determination of representatives.<sup>1</sup>

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 at its band mill in Grangemont, Idaho, and the logging operations connected therewith, 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 effec-

<sup>1</sup> See *Matter of Michigan Producers' Dairy Company*, 68 N L R. B. 6; *Matter of Elk River Coal and Lumber Company*, 66 N L R. B. 565

tively 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 Employer's business is seasonal in nature. During the winter months all work is suspended as weather conditions do not permit logging operations. Work is resumed in March and employment increases gradually thereafter until May, when the peak of employment is reached. The parties request that no election be held until the expected full complement of workers is employed in the spring. In accordance with the request of the parties and in view of the seasonal nature of the Employer's business, we shall direct that an election be conducted during the spring of 1947 on a date to be determined by the Regional Director, among the employees in the appropriate unit who are employed during the pay-roll period immediately preceding the date of the election.

#### DIRECTION OF ELECTION <sup>2</sup>

As part of the investigation to ascertain representatives for the purposes of collective bargaining with White Pine Lumber Company, Orofino, Idaho, an election by secret ballot shall be conducted on a date to be determined by the Regional Director, under the direction and supervision of the Regional Director for the Nineteenth 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 the election, 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 the International Woodworkers of America, C. I. O., or by Inland Empire District Council, Lumber and Sawmill Woodworkers Union, A. F. L., for the purposes of collective bargaining, or by neither.

CHAIRMAN HERZOG took no part in the consideration of the above Decision and Direction of Election.

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<sup>2</sup> Any participant in the election herein may, upon its prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot