

In the Matter of JASPER WOOD PRODUCTS COMPANY, INC., EMPLOYER and FURNITURE AND VENEER WORKERS LOCAL UNION No. 331, UPHOLSTERERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL and UNITED FURNITURE WORKERS OF AMERICA, LOCAL No. 331, CIO

Case No. 11-RE-7.—Decided March 21, 1947

Mr. Fae W. Patrick, of Indianapolis, Ind., and *Mr. Arthur C. Nordhoff*, of Jasper, Ind., for the Employer.

Mr. Robert D. Malarney, of Indianapolis, Ind., for the Upholsterers.

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

Mr. Robert J. Freehling, 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 December 4, 1946, before Clifford L. Hardy, 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 EMPLOYER¹

Jasper Wood Products Company, Inc., an Indiana corporation, is engaged in the manufacture of fabricated plywood and wood panels at its plant located in Jasper, Indiana. The Employer annually uses raw materials valued in excess of \$1,000,000, of which more than 50 percent represents shipments to this plant from sources outside the State of Indiana. During a similar period, the Employer distributes finished products from this plant valued in excess of \$1,000,000, of which more than 50 percent represents shipments to points outside the State.

¹ The name of the Employer appears in the caption as amended at the hearing 72 N. L. R. B., No. 232.

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 and Veneer Workers Local Union No. 331, Upholsterers International Union of North America, herein called the Upholsterers, is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

United Furniture Workers of America, Local No. 331, herein called the Furniture Workers, is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

On April 17, 1946, the Furniture Workers, a local comprising employees of various furniture plants located in Jasper, Ferdinand, and Huntingburg, Indiana, was certified by the Board as exclusive bargaining representative of the employees involved herein. Subsequently, on July 11, 1946, as a result of dissension which had arisen in the parent organization, the Furniture Workers held a special membership meeting at which the approximately 125 members present unanimously adopted a resolution in effect directing its officers to seek other affiliation within the Congress of Industrial Organizations, herein called the CIO. - Between July 11 and 31, the officers of the local unsuccessfully sought such other affiliation.² On August 1, at a regular membership meeting, a motion to disaffiliate from the CIO was unanimously passed and the officers were then directed to seek affiliation outside the CIO. Subsequently, on August 5, the executive board of the local met and approved affiliation with the American Federation of Labor. Notice of a special membership meeting to be held on August 7 was thereafter distributed and at this meeting, attended by about 180 members, formal resolutions of disaffiliation from the Furniture Workers and of affiliation with the Upholsterers were unanimously approved. Thereupon, on August 8, the Upholsterers advised the Employer that the Upholsterers constituted the authorized representative of the Employer's employees.

However, the Furniture Workers continued to maintain offices, to hold meetings, and to have its own officers and business representative. And, on August 12, it requested that the Employer recognize its officers as the "duly designated representatives" of the Employer's employees.

² Also, during this period, the Huntingburg members of the Furniture Workers requested, and were granted, permission by the Furniture Workers' executive board to set up a separate local

Thereafter, the Employer filed its petition herein, alleging that it had been confronted with conflicting representation claims by the Upholsterers and the Furniture Workers, and requesting an investigation and certification of representatives. The Furniture Workers asserts the Board's certification of April 17, 1946, as a bar to an election at this time.

We find no merit in the Furniture Workers' contention. In view of the events described, and on the entire record, we are of the opinion that a substantial, unresolved doubt has arisen as to the identity of the certified labor organization and, therefore, that the certification in issue cannot operate as a bar to a current determination of representatives.³

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 accord with the agreement of the parties, we find that all production and maintenance employees at the Employer's Jasper, Indiana, plant, including the kiln operator, sanding machine operator, boring machine operator, quality control inspector, firemen, watchmen, and shop clerical employees, but excluding the nurse, office clerical employees, occasional or temporary employees, retired employees, superintendent, foremen, leadmen, 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.⁴

DIRECTION OF ELECTION ⁵

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Jasper Wood Products Company, Inc., 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

³ *Matter of Brightwater Paper Company*, 54 N L R B 1102

⁴ The unit is substantially identical with that found appropriate by the Board in *Matter of Jasper Wood Products Company, Inc.*, 66 N L R B 333

⁵ 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

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 they desire to be represented by Furniture and Veneer Workers Local Union No. 331, Upholsterers' International Union of North America, AFL, or by United Furniture Workers of America, Local No. 331, CIO, for the purposes of collective bargaining, or by neither.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.