

We find that McNeal's activities did not constitute improper conduct of such character as to have affected the employees' free choice in the election. Accordingly, the Employer's exceptions are hereby overruled. As the tally of ballots shows that a majority of the valid votes have been cast for the Petitioner, and the challenged ballots cannot affect the results of the election, the Board shall certify the Petitioner as the collective-bargaining representative of the employees in the appropriate unit.

[The Board certified International Union of Mine, Mill and Smelter Workers, Local Union No. 579, as the designated collective-bargaining representative of the employees in the unit found to be appropriate at the Employer's Rockwood, Tennessee, plant.]

EVERETT PLYWOOD & DOOR CORPORATION, Petitioner
and PLYWOOD AND DOOR EMPLOYEES OF EVERETT,
LOCAL NO. 1 *and* LUMBER AND SAWMILL WORKERS
UNION, LOCAL NO. 2781, chartered by the UNITED
BROTHERHOOD OF CARPENTERS AND JOINERS OF
AMERICA, A. F. of L.

EVERETT PLYWOOD & DOOR CORPORATION *and* PLYWOOD
AND DOOR EMPLOYEES OF EVERETT, LOCAL NO. 1,
Petitioner. Cases Nos. 19-RM-73 and 19-RC-1187. June 30,
1953

ORDER DENYING MOTION

On May 27, 1953, the Board issued its Decision and Direction of Election in the above-captioned matter.¹ On June 15, 1953, one of the parties, Lumber and Sawmill Workers Union, Local No. 2781, chartered by the United Brotherhood of Carpenters and Joiners of America, A. F. of L., filed a petition for clarification and motion to postpone election, contending that the decision in the instant case is in conflict with the Board's decision in Brookings Plywood.²

The Board has considered the motion and finds it to be without merit because the issue in the instant case is entirely distinguishable from that presented in Brookings Plywood. In the latter case the Board held that stockholder employees could not be included in the same bargaining unit with non-stockholder employees. Here, as set forth in the Decision, no nonstockholder employees are involved, and the Board found the unit to be appropriate for the reason, among others, that

¹105 NLRB 17.

²Brookings Plywood Corporation, 98 NLRB 794.

all the employees in the unit are stockholders and therefore have no conflicting interests among themselves. Accordingly, IT IS HEREBY ORDERED that the petition for clarification and motion to postpone election be, and it hereby is, denied. By direction of the Board:

Ogden W. Fields,
Associate Executive Secretary.

ANCHOR COUPLING CO., INC. *and* DISTRICT LODGE NO. 140, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL. Case No. 13-CA-1250. June 30, 1953

DECISION AND ORDER

On March 30, 1953, Trial Examiner Horace A. Ruckel issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had not engaged in the unfair labor practices alleged in the complaint and recommending that the complaint be dismissed in its entirety, as set forth in a copy of the Intermediate Report attached hereto. Thereafter the General Counsel filed exceptions to the Intermediate Report and a supporting brief.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Murdock, and Styles].

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and the briefs, and the entire record in the case, and hereby adopts the findings,¹ conclusions, and recommendations of the Trial Examiner.

[The Board dismissed the complaint.]

¹The Intermediate Report contains certain minor inaccuracies, none of which affects the Trial Examiner's ultimate conclusions or our concurrence therein. Accordingly, we note the following corrections:

(1) The Trial Examiner found that Newell, a former employee of the Respondent who was called as a witness by the General Counsel, had been hired by the Respondent for a skilled job, for which he was found to be unqualified. The record shows that Newell was hired initially for ordinary production work and was thereafter transferred to a more skilled job for which he was found to be unqualified.

(2) The Trial Examiner found that Rickman, a supervisor testifying in behalf of the Respondent, stated that several of the employees transferred into Portzen's department after he was laid off were only "loaned" from other departments because of a temporary upsurge of work. The record reveals that Rickman testified that only Martinucci was "loaned" to the department for an upsurge of work,