

tion of tannery or leather workers, as well as employer organization consisting of tannery operators.¹⁹

A final consideration justifying establishment of a tannery unit today is that there is no existing pattern of collective bargaining units which would be disrupted. Indeed, the only substantial collective bargaining that has occurred among the employees of this Company covered a period of 5 years between 1942 and 1947 and was limited substantially to the tannery portion of its business. So far as the record shows, that bargaining ceased not because it was unsuccessful or not conducive to peaceful labor management relations, but because the union then involved, not a party of this proceeding, failed to satisfy the filing requirements set out in the 1947 amendments to the statute. We see no reason why such bargaining should not be permitted to resume, if the tannery employees so desire.

As to other issues in the proceeding, we concur with the majority opinion.

¹⁹ The Board has already recognized, in examining the overall operations of this same company, that the distinctive characteristics of a separate industry operation suffice to support a limited bargaining unit, when it established a unit for its rubber production employees. In *Endicott Johnson Corporation*, 57 NLRB 1473, 1476, the Board said:

While highly integrated with shoe factories, the Company, to all intents and purposes, operates a separate rubber production business.

**Wilner Wood Products Co. and Boot & Shoe Workers Union,
AFL-CIO, Petitioner. Case No. 1-RC-4812. May 31, 1957**

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Francis V. Paone, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.
2. The labor organization involved claims to represent employees of the Employer.
3. A question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.
4. The Employer is engaged in the manufacture of wood heels for women's shoes. Its main plant is located in Norway, Maine. It also

maintains two locations, one in Casco and the other in Bethel, Maine, for the sole purpose of debarking raw lumber which is then forwarded to the Norway plant for further processing. It appears that the only employees of the Employer working at the Casco and Bethel locations are those classified as debarkers. The Employer also maintains a third debarking operation at the Norway plant. The Petitioner seeks to represent a unit of all production and maintenance employees at the Norway plant excluding, among others, all firemen, over-the-road truckdrivers, truck mechanics, cafeteria employees, and all debarkers and chippers employed at the Employer's three debarking operations. The Employer would include within the unit all of the above-named classifications of employees.

- *Firemen*: The firemen work exclusively at tending to the boilers at the Norway plant which generate the steam for production and heating purposes. They are hourly paid and work under the supervision of the maintenance department foreman. They punch the same time clock and receive the same fringe benefits as are received by the other maintenance employees. As their interests and conditions of employment are substantially the same as other employees in the unit sought we shall include them within the unit.

Over-the-road truckdrivers: Four employees are classified as over-the-road drivers. They operate the Employer's own trucks and deliver materials throughout the New England area. While driving they are paid on a trip basis. However, 3 of the 4 drivers spend approximately 50 percent of their time working as production employees. While so engaged they work together with the production employees and are paid on the same basis as those employees. Whether driving or working as production employees all drivers receive the same fringe benefits received by the production and maintenance employees. As the interests and conditions of employment of the truckdrivers are substantially similar to those of the other production and maintenance employees and as no union seeks to represent them separately we shall include them within the unit.

Truck mechanics: The truck mechanics are employed at the Norway plant and are responsible for the repair and maintenance of the Employer's trucks and automobiles. When not working as such they perform general maintenance and millwright work. They are paid on the same basis and receive the same fringe benefits as are received by the other production and maintenance employees. For these reasons we shall include them within the unit.

Cafeteria employees: The Employer operates a cafeteria which is located adjacent to the production area at the Norway plant. The cafeteria apparently is for the use of the Employer's employees at the Norway plant. Two of the cafeteria employees work as such on a full-time basis. Three or four of them work only part time. While

not working in the cafeteria, these employees perform their regular work in the packing department. Both the full-time and part-time employees are hourly paid, punch the same time clock, and receive the same fringe benefits received by production and maintenance employees. As their interests and conditions of employment are substantially similar to those of the other employees in the unit sought we shall include them within the unit.

Debarkers and chippers: As noted previously, the Employer maintains 3 debarking operations, 1 at its Norway plant, 1 in Casco, and 1 in Bethel, Maine. Casco and Bethel are located approximately 25 miles from Norway. The duties of the debarkers at each of the 3 locations are identical. The debarkers operate a machine which removes the bark from raw lumber. The chippers, who are located only at the Norway plant, operate a machine which pulverizes the ends of the wood slabs for use in heating operations. There is a considerable interchange of employees among the three debarking operations. There is also an interchange of employees between the debarking operations and the production operations. All of the debarkers and chippers work under the supervision of the Norway debarking foreman. They are all hourly paid and receive the same fringe benefits as are received by other production and maintenance employees. We find that the debarkers and chippers at all three locations have interests and conditions of employment similar to those of the employees in the unit sought and properly belong within that unit.

We find that the following employees constitute a unit appropriate for collective bargaining purposes within the meaning of Section 9 (b) :

All production and maintenance employees employed at the Employer's Norway plant, including firemen, over-the-road truckdrivers, truck mechanics, cafeteria employees, and all debarkers and chippers employed at the Employer's debarking operations at Norway, Casco, and Bethel, Maine; but excluding office clerical employees, professional employees, guards, and all supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

