

of America, AFL-CIO, said labor organization not having been certified as the representative of the employees of Roy Lumber Co. under the provisions of Section 9 of the Act.

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA, AFL-CIO,
Labor Organization.

Dated----- By-----
(Representative) (Title)

CARPENTER'S DISTRICT COUNCIL OF
SPRINGFIELD, MASSACHUSETTS, AFL-
CIO,
Labor Organization.

Dated----- By-----
(Representative) (Title)

Dated-----
(RICHARD P. GRIFFIN)

Dated-----
(FRANK BARRY)

Dated-----
(WALTER J. LAFRANCIS)

Dated-----
(HARRY P. HOGAN)

Allen's, Inc.¹ and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Chauffeurs, Teamsters, and Helpers, Local No. 795, Petitioner.² Case No. 17-RC-2591. May 15, 1958

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 William J. Cassidy, 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 this case, the Board finds:

1. Allen's moves the dismissal of the petition herein on the ground that its operations do not meet the Board's jurisdictional standards. The Petitioner, which seeks to represent Allen's truckdrivers, contends that this company together with nine others³ located in Wichita,

¹ The Employer's name, herein called Allen's, appears as amended at the hearing.

² The name of the Petitioner appears as amended at the hearing.

³ Airway Concrete, Inc.; Pre-Mixed Concrete, Inc.; Quality Concrete, Inc.; Speedy-Mix Concrete, Inc.; R. & A. Maintenance Corp.; Superior Sand Company, Inc.; Ritchie Bros. Construction Company; Asphalt Paving, Inc.; and Commercial Asphalt, Inc., herein called, respectively, Airway, Pre-Mixed, Quality, Speedy-Mix, R. & A., Superior, Ritchie Bros., Asphalt, and Commercial.

Ritchie Bros., a partnership, is the only company that is not a corporation.

Kansas, which are operated and owned principally by three brothers, H. D., E. D., and J. P. Ritchie, constitute a single Employer that meets the Board's indirect outflow test. Alternatively, the Petitioner contends that Allen's sales alone result in sufficient indirect outflow to warrant assertion of jurisdiction by the Board.

Allen's, which is engaged in the business of selling and delivering ready-mixed concrete, purchases the output of Airway, Pre-Mixed, Quality, and Speedy-Mix.⁴ The latter companies as well as Commercial, a producer of asphalt, Asphalt, a company devoted to small paving projects, and Ritchie Bros., a street paving company, secure their sand from Superior, a sand and gravel mining company. Ritchie Bros. depends upon Asphalt and Allen's respectively for its supply of asphalt and concrete. Finally, R. & A., a service company, does the major repair work on the vehicles, machinery, and equipment of the foregoing Ritchie enterprises.

The record shows that H. D., E. D., and J. P. Ritchie, except in the case of Commercial, are equal and exclusive owners of the 10 Ritchie enterprises.⁵ Although H. D. Ritchie testified that E. D. and J. P. Ritchie together actively manage and operate Commercial, Asphalt, and Ritchie Bros., and that H. D. Ritchie is responsible for Allen's and the other six companies, the latter admitted that he has an equal voice with his brothers whom he sees fairly regularly in determining the policies to be carried out by Ritchie Bros. The companies have their own trucks and equipment, file separate income-tax returns, keep separate production, payroll, social-security, and unemployment compensation records, and, except for Allen's occasional renting of trucks and personnel to Ritchie Bros., there is no transfer or interchange of personnel among the companies. However, it is significant that the companies, all of which use the same auditor and legal firm, grant their office employees the same sick-leave privileges, and extend to their employees the same holidays, similar safety and Christmas bonus plans, and coverage by common hospitalization and Workmen's Compensation policies. In view of the foregoing, particularly the integration of the Ritchie enterprises, their common family ownership, the regular consultations of the Ritchie brothers, and the benefits common to all employees, we find that the 10 Ritchie companies constitute a single Employer for the purposes of determining jurisdiction.⁶

The record shows that the Employer sold products valued at more than \$100,000 to companies each of which has an annual direct outflow in excess of \$50,000. As the Employer meets the Board's indirect outflow standard, we find that it is engaged in interstate commerce and that it will effectuate the policies of the Act to assert jurisdiction

⁴ However, Speedy-Mix was not in operation at the time of the hearing, January 1958.

⁵ Four other members of the family are minority stockholders in Commercial

⁶ See *Empire Milling Company*, 117 NLRB 1782; *Sanitary Mattress Company, et al*, 109 NLRB 1010.

in this proceeding.⁷ Accordingly, we hereby deny the Employer's motion to dismiss the instant petition.

2. The labor organization involved claims to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The parties, which agree on a unit of truckdrivers, are in dispute only as to the unit placement of the tire serviceman, Vernon Hale. Hale has frequent contact with the truckdrivers in the course of his tire repair and maintenance work. He receives the same hourly rate of pay, attends the same safety meetings, and is under the same supervision as the truckdrivers. As his interests are allied to those of the truckdrivers and he would otherwise be unrepresented, we shall include the tire serviceman in the unit. Accordingly, we find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All truckdrivers employed by Allen's, Inc., Wichita, Kansas, including the tire serviceman, but excluding professional employees, all other employees, guards, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

MEMBERS BEAN and FANNING took no part in the consideration of the above Decision and Direction of Election.

⁷ *Jonesboro Grain Drying Cooperative*, 110 NLRB 481, 483-484.

Cooper Supply Company, Petitioner and Tulsa General Drivers, Warehousemen, and Helpers, Local No. 523, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America. *Case No. 16-RM-155. May 15, 1958*

SUPPLEMENTAL DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Decision and Direction of Election issued by the National Labor Relations Board on December 19, 1957 (not published), an election by secret ballot was conducted on January 14, 1958, under the direction and supervision of the Regional Director for the Sixteenth Region among the employees in the unit found appropriate by the Board. At the close of the election the parties were furnished a tally of ballots which showed that there were approximately 10 eligible employees and that 11 ballots were cast, of which