

**Carpenters District Council of Denver & Vicinity, AFL-CIO  
and J. O. Veteto and Son.** Cases Nos. 27-CD-46 and 27-CD-  
46-2. August 18, 1964

SUPPLEMENTAL DECISION AND DETERMINATION  
OF DISPUTE

On April 30, 1964, the Board issued a Decision and Determination of Dispute in the above-entitled proceeding<sup>1</sup> in which, *inter alia*, it found that lathers employed by the Employer rather than carpenters represented by the Respondent were entitled to perform the work in dispute of erecting metal studs to receive dry wall on interior partitions.

Thereafter, on May 4, 1964, the Respondent filed a motion for reconsideration of such findings, contending that the Board had erroneously construed Respondent's claim as restricted to the mere installation of metal studs to receive dry wall covering whereas its claim to the disputed work encompassed not only the erection of the studs but the installation of floor and ceiling channels to which the studs are attached and the furring channels or stiffeners which are inserted into and across the steel studs. On May 19, 1964, Wood, Wire and Metal Lathers Union Local 68, AFL-CIO, which represents the lathers to whom the disputed work was awarded, filed an answer to motion for reconsideration.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, the Board has delegated its powers in connection with these cases to a three-member panel [Chairman McCulloch and Members Leedom and Brown].

The record in these cases is ambiguous in the matter raised by the Respondent's motion. But even accepting Respondent's version as to the scope of the dispute herein, no warrant appears for any change in our prior determination. As stated therein, the Employer does not employ carpenters. It does, however, employ lathers, and it has assigned to them, without complaint from Respondent, the work of installing metal studs, together with the floor and ceiling runners to which they are attached and the furring channels or stiffeners which are inserted into and across the steel studs, when walls of *plaster material* are to be applied. The installation of floor and ceiling tracks, metal studs, and bracing material where *dry wall* is to be applied, which is the work herein claimed by Respondent, is precisely the same type of operation. This work is of an intermittent nature, and it has been assigned to the lathers who can perform it when not otherwise occupied; as already noted, carpenters are not even employed on the

<sup>1</sup> 146 NLRB 1242.

job. In these circumstances, even if the dispute extends to the additional work claimed by Respondent, we find that the factors of efficiency and economy of operations still favor the lathers. Considering, in addition, the other factors favoring the lathers adverted to in our original determination, we believe that that determination should be, and it hereby is, affirmed.

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**United Brotherhood of Carpenters and Joiners of America, Local No. 515, AFL-CIO, et al. and J. O. Veteto & Son. Case No. 27-CD-47. August 18, 1964**

### DECISION AND DETERMINATION OF DISPUTE

This is a proceeding pursuant to Section 10(k) of the Act following charges filed by J. O. Veteto & Son, herein called the Employer, alleging that United Brotherhood of Carpenters and Joiners of America, Local No. 515, AFL-CIO, Southern Colorado Building and Construction Trades Council, AFL-CIO, and Carpenters District Council of Southern Colorado, AFL-CIO, herein called the Respondents, threatened, coerced, and restrained Continental Consolidated Corporation, Glenn Siebert Dry Wall Company, and J. O. Veteto & Son, with an object of forcing or requiring the Employer to assign particular work to employees represented by the Carpenters rather than to employees represented by Wood, Wire and Metal Lathers International Union, Local No. 48, AFL-CIO, herein called Lathers. A hearing was held before Hearing Officer Allison E. Nutt on April 9 and 10, 1964. All parties appeared at the hearing and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to adduce evidence bearing on the issues. The rulings of the Hearing Officer made at the hearing are free from prejudicial error and are hereby affirmed. Respondents and Lathers filed briefs which have been duly considered.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this proceeding to a three-member panel [Chairman McCulloch and Members Leedom and Brown].

Upon the entire record in this case, the Board makes the following findings:

1. The business of the Employer

J. O. Veteto & Son is engaged in the lathing and plastering business in Colorado and adjoining States. In the calendar year 1963, Veteto purchased materials valued at more than \$100,000 from suppliers in