

Westvaco Corporation and Chauffeurs, Teamsters and Helpers, Local Union No. 175, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Petitioner. Case 9-RC-10638

December 13, 1974

DECISION ON REVIEW AND ORDER

BY CHAIRMAN MILLER AND MEMBERS FANNING AND KENNEDY

On August 13, 1974, the Acting Regional Director for Region 9 issued a Decision and Direction of Election in the above-entitled proceeding, finding appropriate a unit of all employees at the Employer's logging operation, woodyard, and mechanical maintenance shop in and around Rupert, West Virginia. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, the Employer filed a timely request for review of the Acting Regional Director's decision, contending that there was error in combining the above three groups of employees, in a single unit, as requested by the Petitioner.

By telegraphic order dated September 18, 1974, the National Labor Relations Board granted the request for review with respect to the unit, denied review in all other respects, and stayed the election pending decision on review.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the entire record in this case with respect to the issues under review and makes the following findings:

The Employer has a paper plant in Covington, Virginia, which is the headquarters for its cutting, logging, and clipping operations in Virginia, West Virginia, and Kentucky. Involved in this case are the Employer's operations at Rupert, West Virginia, consisting of the logging operation, woodyard, and mechanical maintenance shop.

The Employer's logging operations are presently being conducted at locations 10 to 35 miles from Rupert. There are 4 crews totaling some 40 employees which consist of clipper operators, skylock operators, laborers, heavy equipment operators, and local truckdrivers. These employees cut and process logs and chips. Each

logging crew operates in about 20-acre areas called "blocks." The saleable logs, called "saw logs," are sold at the site to buyers whose employees load the logs for shipment. After the cutting operation, the Employer's employees are primarily engaged in processing chips from butt logs which are not marketable as "saw logs" and the transportation of these chips to various drop points from which independent over-the-road drivers transport the chips to the Employer's papermill in Covington, Virginia.

The woodyard at Rupert is 1 of 10 operated by the Employer from its Covington headquarters. There are four laborers who load and unload logs which are purchased by the Employer from farmers and other independent businessmen who bring their logs to the woodyard. Eventually, the employees load the logs onto railcars or onto trucks for shipment to Covington.

The Employer's mechanical maintenance shop, located at Rupert, services Employer's equipment in the tristate area. There are several skilled mechanics at the machine shop who are trained to repair various diesel equipment and hydraulic systems. Because of the nature of the Employer's equipment, it is necessary for the mechanics to travel throughout the tristate area performing major repairs on logging equipment in the field and on scales at the various woodyards.

The Acting Regional Director, in finding appropriate a unit consisting of the above groups of employees, treats such unit as a plantwide unit and notes that, in the absence of a bargaining history and as no labor organization is seeking to represent them separately, such unit is presumptively appropriate.

The record discloses that each of the three operations is geographically separate and under separate supervision; that there is no interchange or line of progression, either by promotion or transfer, among the employees of the three groups; and that each group of employees has dissimilar skills, little, if any, contact with each other, and different working conditions and pay scales.

On the basis of the foregoing, we find, contrary to the Acting Regional Director, that these three groups of employees do not have sufficient community of interest to be included in the same bargaining unit. Accordingly, as the unit sought herein does not constitute an appropriate unit, we shall dismiss the petition.

ORDER

It is hereby ordered that the petition filed herein be, and it hereby is, dismissed.