

In the Matter of WOOLLEY LOGGING COMPANY and LUMBER AND SAW-
MILL WORKERS LOCAL UNION 7-277, INTERNATIONAL WOODWORKERS OF
AMERICA, C. I. O.

Case No. 19-R-1178.—Decided November 22, 1943

Mr. R. E. Laird, of Drain, Oreg., for the Company.

Mr. Ray Lea, of Roseburg, Oreg., and *Mr. W. C. Harris*, of Reeds-
port, Oreg., for the I. W. A.

Messrs. C. P. Richards and *W. O. Kelsay*, of Eugene, Oreg., for the
Council.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Lumber and Sawmill Workers Local Union 7-277, International Woodworkers of America, C. I. O., herein called the I. W. A., alleging that a question affecting commerce had arisen concerning the representation of employees of Woolley Logging Company, Drain, Oregon, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Joseph D. Holmes, Trial Examiner. Said hearing was held at Eugene, Oregon, on October 22, 1943. At the commencement of the hearing, the Trial Examiner granted a motion of Willamette Valley District Council, Lumber and Sawmill Workers, A. F. of L., herein called the Council, to intervene. The Company, the I. W. A., and the Council appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's Rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Woolley Logging Company carries on logging operations near Drain, Oregon. The Company annually cuts logs worth about \$240,000, all of which are sent to two lumber mills in the vicinity of Drain. Approximately 95 percent of the products manufactured by the two lumber mills is shipped to points outside the State of Oregon.

II. THE ORGANIZATIONS INVOLVED

Willamette Valley District Council, Lumber and Sawmill Workers, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

Lumber and Sawmill Workers Local Union 7-277, International Woodworkers of America, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On August 4, 1943, the I. W. A. requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request on the ground that it was operating under a contract with the Council.

On April 18, 1941, the Company and the Council entered into an exclusive collective bargaining contract. Either party may terminate the agreement by giving 30 days' notice to the other of its desire to terminate. Since the agreement by its terms may be terminated upon 30 days' notice by either party thereto, it does not constitute a bar to a determination of representatives at this time.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the I. W. A. represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

¹ The Field Examiner reported that I. W. A. presented 14 authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of September 4, 1943. There are 33 persons in the appropriate unit. The Council did not present any evidence of representation, but relies upon its contract as evidence of its interest in the instant proceeding.

IV. THE APPROPRIATE UNIT

We find, in substantial agreement with a stipulation of the parties, that all employees of the Company at its Smith River logging operations, including truck drivers, hook tenders,² and the filer, but excluding clerical employees and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Woolley Logging Company, Drain, Oregon, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Nineteenth Region, acting in this matter as agent for the National Labor Relations Board and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the elec-

² The record indicates that the hook tenders employed by the Company do not exercise any supervisory powers.

tion, to determine whether they desire to be represented by Willamette Valley District Council, Lumber and Sawmill Workers, affiliated with the American Federation of Labor, or by Lumber and Sawmill Workers Local Union 7-277, International Woodworkers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.

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