

In the Matter of EXCHANGE LUMBER AND MFG. COMPANY and LUMBER  
AND SAWMILL WORKERS UNION LOCAL 2552

*Case No. R-598.—Decided February 24, 1938*

*Lumber and Millwork Industry—Settlement:* stipulation as to unit and as to union majority in unit—*Certification:* on basis of stipulation.

*Mr. Patrick H. Walker*, for the Board.

*Mr. James A. Brown*, for the Company.

*Mr. O. C. Brasch*, for the Union.

*Mr. Martin Kurasch*, of counsel to the Board.

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

On June 14, 1937, Lumber and Sawmill Workers Union Local 2552, herein called the Union, filed with the Regional Director for the Nineteenth Region (Seattle, Washington) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of Exchange Lumber and Mfg. Company, Spokane, Washington, herein called the Company, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On September 30, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered an investigation and authorized the Regional Director to conduct it and to provide for an appropriate hearing upon due notice.

On October 13, 1937, the Regional Director issued and duly served a notice of hearing; on October 16, the Company filed an answer.

On November 2, 1937, the Company, the Union, and the Board entered into the following two stipulations:

I

It is hereby stipulated by and between James A. Brown, attorney for the respondent, Exchange Lumber & Manufacturing Co., a corporation; O. C. Brasch, business agent of the Lumber

and Saw Mill Workers' Union, Local 2552, and Patrick H. Walker, attorney and counsellor for the Nineteenth Region, National Labor Relations Board, that the following statement of facts may be introduced and received in evidence in a hearing to be conducted in the above matter and have the same force and effect as if such facts had been testified to by competent witnesses at said hearing. This stipulation shall not prejudice the right of any party to the proceeding or the said Board to introduce any further or additional testimony.

## I

The Exchange Lumber and Manufacturing Company, the respondent herein, is and has been at all times since February 26, 1937, a corporation organized and existing under and by virtue of the laws of the State of Washington, having its principal place of business in Spokane, State of Washington, more particularly, N. 2616 Cincinnati Street (hereinafter called "the plant"). The respondent is engaged in the manufacture, sale and distribution of window sash and casings, doors, cabinet works, stair cases, interior building equipment and fixtures. The respondent further is engaged in retail sale, wholesale and jobbing of lumber, wood products, by products and building supplies as is more definitely set forth in Exhibit A,<sup>1</sup> attached hereto and made a part hereof and to which reference is hereby made.

## II

Its physical properties consist of buildings suitable and adaptable to such work, situated immediately adjacent to railroad tracks and sidings for the purpose of unloading, loading and distributing finished products and raw materials. The following named departments are maintained in said plant: storage yards and sheds, rip saw and cut off saw, frame department, sash and door department, cabinet making, molding, glazing, delivery, shipping, planeing, and sales. The employees are broken down into the following categories, expressing a yearly average number:

Manufacturing-----	36
Delivery-----	4
Shipping-----	10
Helpers-----	10
	60

<sup>1</sup> Exhibit A is set out in the appendix to this Decision.

The officers of the respondent are as follows:

President.....	Grant Dixon
Vice President.....	C. L. Coffman
Secretary.....	H. A. Shaw
Treasurer.....	C. L. Coffman

The Board of Directors consist of the following: Chairman, Grant Dixon; C. L. Coffman, H. A. Shaw, B. A. Hanna, J. W. Perry, Bert R. West.

### III

Respondent's estimated inventory of stock on hand October 1, 1937, is Ninety Thousand Dollars (\$90,000.00). Respondent's estimated inventory of stock on hand as of June 1, 1937, was One Hundred and Three Thousand Dollars (\$103,000.00). Respondent's net sales for the periods and for the purposes are hereinafter set forth, together with the percentages thereof, to-wit:

Date	Interstate		Intrastate	
Jan. 1, 1936 to Dec. 31, 1936.....	\$153,956 84	27.72%	\$401,422 76	72.28%
Jan 1, 1937 to June 30, 1937.....	75,786 67	26.47%	221,686.86	73.53%

The area covered by respondent's sales force is bounded roughly as follows:

West of Spokane to the Columbia River;  
 South of Spokane to Camas Prairie and Grangeville, Idaho,  
 East of Spokane to Bozeman, Helena and Great Falls, Montana, and  
 North to the International Boundary Line.

### IV

Respondent's total value of purchases of raw materials for manufacture, and building supplies for wholesaling and jobbing, together with the percentages thereof, is, to wit:

Date	Interstate		Intrastate	
Jan 1, 1936 to Dec 31, 1936.....	\$161,671 14	47.5%	\$178,793 61	52.5%
Jan 1, 1937 to June 30, 1937.....	\$78,674 63	45.6%	\$93,992 00	54.4%

That the place of origination, the type and make of such purchases of the said totals, hereinbefore, are more particularly set out in Exhibit B,<sup>2</sup> attached hereto and made a part hereof, to which reference is hereby made.

That all of respondent's incoming and outgoing products are received and shipped at respondent's plant by means of trucks.

<sup>2</sup> Exhibit B is set out in the appendix to this Decision.

and the Great Northern Railway Co., on all of which respondent pays the freight charges (excepting only glass from Libby, Owen, Ford of Louisiana) all common carriers principally engaged in interstate carriage. That said products are unloaded from the carriers by respondent's employees and likewise respondent's employees, in its shipping department, load finished products and jobbing goods directly to carriers for shipment to destinations located beyond the State of Washington.

## V

That the total number of respondent's production employees, (exclusive of those in a supervisory capacity and clerical and office help) at the indicated respective dates are hereinafter set out, together with the number of said respondent's employees at the same dates who were and are bona fide members of, and members in good standing of the Lumber and Saw Mill Workers' Union, Local 2552, of the United Brotherhood of Carpenters and Joiners, an affiliate of the American Federation of Labor, which is a labor organization within the meaning of Sec. 2, subdivision 5 of the National Labor Relations Act.

	Employees	Union Members
June 1-15, 1937.....	72	51
October 1-15, 1937.....	64	45

The respondent is engaged in commerce within the meaning of Section 2, subdivision 6 of said Act.

Dated and signed this 2nd day of Nov., 1937, at Spokane, Washington.

## II

It is hereby stipulated by and between James A. Brown, attorney for the respondent, Exchange Lumber & Manufacturing Co., a corporation; O. C. Brasch, business agent of the Lumber and Saw Mill Workers' Union, Local 2552, and Patrick H. Walker, attorney and counsellor for the Nineteenth Region, National Labor Relations Board, that the Order of Certification, attached hereto, be submitted to the National Labor Relations Board as a basis for action by the said Board, and a Certification by said Board directed to the Exchange Lumber & Manufacturing Co.

## I

The production plant employees of the Exchange Lumber & Manufacturing Co. at its plant located at N. 2616 Cincinnati

Street, of Spokane, Washington, (excluding foremen and those employed in a supervisory capacity or office and clerical help), constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act.

## II

Local No. 2552 of the Lumber and Saw Mill Workers' Union having been selected for the purposes of collective bargaining by a majority of the employees in a unit appropriate for such purposes is, by virtue of Section 9 (a) of the National Labor Relations Act, the exclusive representative of all of the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.

It is further stipulated that a certification may be made and entered by said Board based on the foregoing Stipulation without prejudicing the right of the National Labor Relations Board to resume said hearing in the event that the certification heretofore set forth in this stipulation is not approved by the National Labor Relations Board.

Dated and signed this 2nd day of November, 1937, at Spokane, Washington.

On the basis of the stipulations quoted above, the Board will so certify Lumber and Sawmill Workers Union Local 2552.

### CERTIFICATION OF REPRESENTATIVES

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, 49 Stat. 449, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Lumber and Sawmill Workers Union Local 2552 has been designated by a majority of the production plant employees of the Spokane, Washington, plant of the Exchange Lumber and Mfg. Company, excluding foremen, and those employed in a supervisory capacity and excluding office and clerical help, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, Lumber and Sawmill Workers Union Local 2552 is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

## APPENDIX

## EXHIBIT A

## Wholesale and retail:

Lumber.  
 Wood products and by-products.  
 Sash, door.  
 Cashing.  
 Cabinet fixtures.  
 Frame.  
 Molding.  
 Shingles.  
 Lathes.  
 Detailed mill work.

## Jobbing:

Lumber products.  
 Insulation.  
 Roofing.  
 Glass.  
 Cement.  
 Plaster.  
 Ply-wood.  
 Plaster-board.  
 Flooring.  
 Detailed mill work.

## EXHIBIT B

<i>Name</i>	<i>Address</i>	<i>Type</i>
No trade name-----	Washington-----	Shingles.
Unifil-----	Washington-----	Insulation.
Celatex-----	Louisiana-----	Insulation.
Libby, Owen, Ford-----	Louisiana-----	Glass.
No trade name-----	Washington-----	Stain.
Certain-Teed-----	California-----	Roofing.
No trade name-----	Washington-----	Veneer.
No trade name-----	Montana-----	Plaster.
No trade name-----	Washington-----	Cement.
No trade name-----	Washington-----	Plaster Board.
No trade name-----	Washington-----	Lathes.
No trade name-----	Washington-----	Doors.
No trade name-----	Washington-----	Lumber—Pine.
No trade name-----	Washington-----	Fir.
No trade name-----	Washington-----	Larch.
No trade name-----	Washington-----	Ply-wood.
No trade name-----	Arkansas-----	Hardwood—Southern.
No trade name-----	Tennessee-----	Southern.
No trade name-----	Wisconsin-----	Northern.
No trade name-----	Michigan-----	Northern.