

Allied Gear and Machine Company, Inc. and District No. 9, International Association of Machinists and Aerospace Workers, AFL-CIO, Petitioner and Local 505, Graphic Arts International Union, AFL-CIO-CLC, Petitioner. Cases 14-RC-9078 and 14-RC-9080

July 17, 1980

**DECISION ON REVIEW AND
DIRECTION**

**BY MEMBERS JENKINS, PENELLO, AND
TRUESDALE**

Upon separate petitions duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Janet Goldberg of the National Labor Relations Board. On March 4, 1980, the Regional Director for Region 14 issued a Decision and Direction of Election, in which he directed that representation elections be held in two separate units of the Employer's employees: (1) a unit limited to all employees in the Employer's pattern and plate department, for whom Local 505, Graphic Arts International Union, AFL-CIO-CLC (hereinafter Local 505), seeks representation; and (2) a unit of all production and maintenance employees excluding, *inter alia*, pattern and plate department employees, sought by District No. 9, International Association of Machinists and Aerospace Workers, AFL-CIO (hereinafter District No. 9). Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Employer filed a timely request for review of the Regional Director's decision, contending that the Regional Director erred in finding appropriate a separate unit of pattern and plate department employees.

By telegraphic order dated March 31, 1980, the Board granted the request for review. On April 2, 1980, in accordance with the Regional Director's Decision and Direction of Election, the election was conducted¹ and the ballots were impounded pending resolution of the request for review. Thereafter, Local 505 filed a brief 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.

¹ At the hearing, District No. 9 stated that, should the Employer's contention be upheld, it would seek to represent all production and maintenance employees, including pattern and plate employees. Accordingly, the Regional Director directed that the pattern and plate employees be issued ballots permitting them to vote for Local 505, District No. 9, or no union.

The Board has considered the entire record in this case, including Local 505's brief on review, and makes the following findings:

The Employer, a Missouri corporation, manufactures and sells rotary engraved cutting dies, flexographic label presses, and flexographic printing plates. The Employer has seven departments: pattern and plate, die, machine, sales, purchasing, computer, and engineering. The pattern and plate department is located in a separate area, and consists of a darkroom, file room, plate room, and stripping room. The pattern and plate department has entrances from both the production and office areas of the plant.

Each of the Employer's production departments, including pattern and plate, has its own departmental manager, although all employees are subject to the ultimate supervision of the plant manager. The pattern and plate department manager has a desk in the stripping room, within his department; some of the other departmental managers also have desks within their department, while others share space in the office area of the plant.

All production employees, including pattern and plate employees, are hourly paid, punch a time-clock, work the same hours (except for a second shift for die department employees), receive the same benefits, are subject to the same payroll classification system and work rules, receive annual performance reviews, and use common facilities in the plant.

The pattern and plate department, consisting of five employees, produces the following: patterns for dies made by the die department,² plates for pressure sensitive labels used by customers, front panels for printing presses manufactured by the Employer in its machine department, line drawings used by the engineering department in making blueprints for dies, and line dies sent by the Employer to customers for approval before dies are cast. Most of the items produced by pattern and plate employees are used by other departments of the Employer.

Approximately 6 or 8 years ago, the Employer separated the patternmaking work from the die department, acquired a camera and darkroom equipment, and assigned two die department employees to this separate department. Subsequently, the Employer added platemaking to this department, in order to prepare plates for sale to customers who own one of the Employer's presses.

² The making of rotary dies is the Employer's primary business and, since patterns are essential to the production of dies, the making of patterns constitutes the majority of the pattern and plate department's output.

The pattern and plate department is composed of four basic job classifications: negative stripper, pattern artist, darkroom person, and platemaker. The negative stripper prepares negatives to be printed for transfer onto the plates, spending her worktime at the litho light-up table or in the darkroom. The pattern artist draws patterns from information provided in work orders which are then prepared for the making of dies by the darkroom person. The darkroom person photographs the line drawn negatives and operates a distortion unit to prepare the artwork for placement on the printing press cylinder. The platemaker prepares flexographic plates from stock or line-drawn negatives, through the use of a chemical water solution, and takes these plates to the shipping department for delivery to customers. The platemaker also makes patterns, using different materials and chemical solutions. These employees interact with each other in producing plates and patterns and have been trained or are being trained in each of the various jobs in the department. Other employees in the department or the department manager will substitute for an absent pattern and plate employee. Pattern and plate employees are not assigned work in other departments of the plant, except for occasional assignments to perform office clerical tasks. Employees of other departments do not perform pattern and plate work, except that the second shift die department leadman may make or repair a pattern needed for second shift production. In the performance of their duties, pattern and plate employees have daily contact with the die department engravers, the quality control inspector, and the shipping clerk. The equipment used by pattern and plate employees is located within the department and is used only by them, except that other production employees enter the pattern and plate department to use the band saw located there.

The pattern and plate employees receive the same economic benefits and enjoy the same terms and conditions of employment as all production and maintenance employees. Their pay range is between level 1 through 6 on the Employer's pay scale of 1 through 10. All pattern and plate employees have been hired by the departmental manager directly from the outside. Except for one or two employees who briefly worked in the pattern and plate department shortly after its inception, no employees have transferred into or out of the department. Previous experience is not a prerequisite for working in the department, although at least two of the current employees had relevant experience at the time they were hired. There is no licensing or training requirement for pattern and plate employees, nor is there a formalized appren-

ticeship or journeyman or journeyman program for them. The on-the-job training provided by the Employer ranges from 1 to 6 months, with all employees being proficient in their duties by completion of training.

Based on the above, the Regional Director concluded that employees in the pattern and plate department constituted an appropriate unit. In so concluding, the Regional Director relied on the lack of previous bargaining history at the Employer, Local 505's "specialized experience representing employees performing similar work;" the "substantial on-the-job training" given pattern and plate employees to develop a skill which requires the "use of special equipment that is traditionally used in the lithographic craft;" their limited interchange with other employees; and their separate supervision. The Regional Director discounted the integrated nature of the employer's operations, the lack of a formal apprenticeship or journeyman program, and the fact that pattern and plate employees receive the same benefits as other employees and do not represent the highest paid classifications.

We find, contrary to the Regional Director, that a unit limited to the Employer's pattern and plate department employees is inappropriate. In our view, the pattern and plate department employees do not possess sufficient specialized skills and training to warrant a conclusion that they comprise a special craft unit, akin to a lithographic craft unit, nor do they possess a sufficiently separate community of interest from other production and maintenance employees to warrant separate representation.

This case differs from those cases relied upon by the Regional Director in which we found separate lithographic craft units to be appropriate.³ Initially, these employees are not performing traditional lithographic work, and the skills and equipment used by these employees in the flexographic process are not as complex as those utilized in the lithographic process.⁴ Moreover, unlike in those cases, neither previous experience in the industry nor participation in a formal training program are conditions for employment in that department. New employees are given on-the-job training, rather, than formal

³ See *Meyer Label Co.*, 232 NLRB 933 (1977), enforcement denied 597 F.2d 18 (2d Cir. 1979); *R. W. Nowels, d/b/a Nowels Publications*, 219 NLRB 222 (1975); *George Rice & Sons*, 212 NLRB 947 (1974); *Paramount Press, Inc.*, 187 NLRB 586 (1970); *Lianco Container Corporation*, 177 NLRB 907 (1969); *E. I. DuPont De Nemours and Company*, 162 NLRB 413 (1966).

⁴ In finding appropriate a separate unit of pattern and plate department employees, the Regional Director relied in part on evidence in the record that the Graphic Arts International Union, with which Local 505 is affiliated, primarily represents lithographic employees, and that the lithographic process is similar to the flexographic plate process engaged in by the Employer's platemaking employees.

apprenticeship training, and can become fully proficient within 4 months of hire.

Moreover, the unit sought by Local 505 is inappropriate as a separate departmental unit. The pattern and plate department operations are closely integrated with activities in the die department, the machine department, and the shipping department. Although the pattern and plate department employees have limited interchange with other production and maintenance employees, their wages, hours, and working conditions are, with minor exceptions,⁵ identical to that of all of the Employer's production and maintenance employees, and they are paid in accordance with the pay scale applicable to all production and maintenance employees. Furthermore, while pattern and plate employees are separately supervised by their department manager, employees of the other production and maintenance departments, which were included in the unit sought by District No. 9, are also separately supervised by their department managers. Accordingly, we find that the pattern and plate department employees do not have a separate community of interest apart from the production and maintenance employees, and that a separate unit limited to them is not appropriate.⁶

For the reasons stated above, we conclude that the following employees of the Employer represent a unit appropriate for the purposes of collective bargaining within the meaning of the Act:

⁵ Pattern and plate employees do not always take their morning or afternoon coffeekbreaks at the same time as other production and maintenance employees, since they cannot leave their work in the middle of certain activities. They may take a break after the work in question has been completed, or may forego the break entirely.

⁶ *Olin Corporation*, 229 NLRB 793 (1977); *Walt Disney World Co.*, 215 NLRB 421 (1974).

All full-time and regular part-time production and maintenance employees including pattern and plate department employees, plant clerical, quality control inspector, janitor, shipping clerk, tape cutter, and draft technicians employed at the Employer's St. Louis County, Missouri, facility, EXCLUDING sales employees, purchasing department employee, office clerical and professional employees, guards and supervisors as defined in the Act.

As noted above, District No. 9 has stated that it would seek to represent all employees in this unit, and, accordingly, the Regional Director proceeded with the election, permitting the pattern and plate employees to vote for Local 505, District No. 9, or no union. As the election has already been conducted and the pattern and plate employees have had an opportunity to cast their ballots for any of the choices set forth above, we shall direct the Regional Director to open and count the ballots cast by all employees of the Employer in the appropriate bargaining unit, and to issue a tally of ballots.

DIRECTION

It is hereby directed that the Regional Director for Region 14 shall, pursuant to the Board's Rules and Regulations, Series 8, as amended, within 10 days from the date of this Decision on Review and Direction, open and count the valid ballots cast in the election held on April 2, 1980, and prepare and cause to be served on the parties a tally of ballots in accordance with Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, which shall thereafter be applicable to the further processing of this matter.