

In the Matter of GARDNER-RICHARDSON COMPANY and LOCAL 1009,  
UNITED PAPER, NOVELTY & TOY WORKERS INTERNATIONAL UNION,  
C. I. O.

*Case No. 9-R-1087.—Decided October 8, 1943*

*Mr. Wellman B. Turner*, of Dayton, Ohio, and *Mr. Carl Lehmann*,  
of Cincinnati, Ohio, for the Company.

*Mr. Julius Holzberg*, and *Mr. Logan Goff*, of Cincinnati, Ohio, for  
the Union.

*Mr. William C. Baisinger, Jr.*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Local 1009, United Paper, Novelty & Toy Workers International Union, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Gardner-Richardson Company, Lockland, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas E. Shroyer, Trial Examiner. Said hearing was held at Cincinnati, Ohio, on August 30, 1943. The Company and the Union 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

Gardner-Richardson Company is an Ohio corporation operating plants in Middletown and Lockland, Ohio, at which it is engaged in the  
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manufacture of paperboard and paperboard products. The principal raw materials used at these 2 plants are kraft and waste paper. The Company annually purchases over \$100,000 worth of raw materials, approximately 25 percent of which is shipped to its plants from points outside the State of Ohio. The annual value of finished products sold by the Company exceeds \$500,000, of which over 25 percent is shipped to points outside the State of Ohio. Only the Company's plant located at Lockland, Ohio, is involved in this proceeding. The Company does not deny that at each of its plants it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

Local 1009, United Paper, Novelty & Toy Workers International Union is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

In May 1943, the Union requested the Company to recognize it as the exclusive bargaining representative of the employees within an alleged appropriate unit. The Company refuses to accord the Union such recognition, because it denies the appropriateness of the unit sought by the Union, and in any event would not grant such recognition unless and until the Union is certified by the Board.

A statement of a Field Examiner of the Board introduced into evidence at the hearing, as supplemented by a statement made by the Trial Examiner at the hearing, indicates that the Union represents a substantial number of employees within the unit hereinafter found to be appropriate.<sup>1</sup>

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 Act.

## IV. THE APPROPRIATE UNIT

The Union contends that all employees employed in the board mill and the powerhouse at the Company's Lockland, Ohio, plant, excluding inspectors, beater engineers, watchmen, office and clerical employees, foremen and assistant foremen, tour bosses, any other supervisory employees, laboratory employees, and truck drivers, comprise

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<sup>1</sup>The report of the Field Examiner as supplemented by the Trial Examiner's statement shows that the Union submitted 114 membership and application-for-membership cards bearing apparently genuine signatures of persons whose names appear on a current pay roll of the Company, which contains the names of 225 persons within the alleged appropriate unit.

an appropriate bargaining unit. The Company disputes the appropriateness of such a unit, contending that because of the integration of its manufacturing operations and because of the interrelation and interdependence of the various divisions or sections which comprise this plant, a plant-wide unit is appropriate.

The Company's Lockland, Ohio, plant consists of several large buildings surrounded by a steel fence in which there is one gate through which all employees enter and leave the Company's property. At this plant the Company manufactures paperboard, paperboard cartons and paperboard suit boxes. The paperboard is manufactured in the division of the plant called the board mill, while the paperboard cartons and suit boxes are manufactured in the suit box fabricating division and the carton manufacturing division which comprise the carton plant. Seventy-five percent of the paperboard manufactured at this plant is further processed into cartons and suit boxes, and the remaining 25 percent is sold as a finished product. The carton division and the suit box division are housed in separate buildings apart from the board mill, but connected with each other and the board mill by a system of tunnels. The powerhouse which generates power for the entire plant is joined to the board mill by means of a ramp or platform.

The first step in the manufacture of paperboard takes place in the subdivision of the board mill known as the breaker beater room where wood pulp and waste paper are combined with water and chemicals by means of large machines called beaters and jordans to form slush pulp. This slush pulp is then pumped through large pipes into vats located at the wet end of the paper making machines and emerges from the dry end of said machines in the form of sheets or rolls. The next processing step takes place in the paster room which is also a part of the board mill and in which the sheets of paperboard are laminated to form heavier boards. The single sheets of paperboard or the laminated boards may then be sold as a finished product. However, the bulk of said paperboard undergoes further processing, such as printing, scoring, folding, and gluing in the carton plant and emerges from the carton division or the suit box division as a finished carton or suit box, which are the principal products manufactured and sold by the Company.

The Union contends that inasmuch as the board mill and the powerhouse are physically separated from the carton plant, and since the board mill manufactures paperboard which may be sold as a finished product, the employees of the board mill and power plant may properly be segregated from the other employees of the Company's plant to form a separate bargaining unit. The record indicates that the work performed by the employees sought by the Union

is more arduous and hazardous than that performed by the employees of the carton plant, and further, that there is little community of interest between the board mill employees and the carton plant employees. The entire plant operates on a 3-shift basis. The board mill employees alternate on various shifts and receive no additional compensation for working on the second and third shifts, while the carton plant employees do not alternate, but those working on the second and third shifts receive additional pay for night shift work. Furthermore, the bonus system followed in the carton plant is based on daily production rather than weekly production, as it is in the board mill. The board mill and the carton plant each has a superintendent in charge and each maintains its own separate accounting system. It further appears that the Union has made a continuous effort since 1937 to organize the entire plant, but has been successful only among the employees in the board mill and the power plant.

Upon the basis of the above facts and upon the entire record in this proceeding, we conclude that the employees at the Company's board mill and powerhouse constitute a clearly definable group of workers in the integrated operations of the manufacture of paperboard and paperboard products. There is no history of collective bargaining among the employees herein involved and at the present time no labor organization seeks to include in a single bargaining unit employees of the entire Lockland, Ohio, plant. We are of the opinion that the purposes of the Act will best be effectuated by making collective bargaining an immediate possibility for these employees. Under these circumstances, we find that employees at the board mill and the powerhouse of the Company's Lockland, Ohio, plant may function as a bargaining unit separate from employees of the carton plant.<sup>2</sup> Our finding in this respect however does not preclude a later determination at another stage of self-organization that a more comprehensive unit is appropriate.

The Company and the Union are in agreement as to the composition of the unit in the event the Board finds that the employees of the board mill and powerhouse constitute a separate appropriate bargaining unit. We find in accordance with their agreement, that all employees of the Company's board mill and powerhouse, including employees in the paster room, breaker beater room, and all maintenance and repair maintenance employees attached to these divisions, but excluding inspectors, tour bosses, beater engineers, watchmen, office and clerical employees, foremen and assistant foremen, laboratory employees, truck drivers, and any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend

<sup>2</sup> See *Kentucky Fluorspar Company*, 52 N. L. R. B. 227.

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 the 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 Gardner-Richardson Company, Lockland, Ohio, 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 Ninth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 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, to determine whether or not they desire to be represented by Local 1009, United Paper, Novelty & Toy Workers International Union, C. I. O., for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.