

In the Matter of RIVERSIDE PAPER CORPORATION *and* DISTRICT 50,  
UNITED MINE WORKERS OF AMERICA

*Case No. 13-R-2179.—Decided February 4, 1944*

*Mr. Edward J. Dempsey*, of Oshkosh, Wis., for the Company.  
*Messrs. Howard McKillip*, and *John G. Bryant*, of Oshkosh, Wis.,  
for District 50.

*Mr. Wallace E. Royster*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by District 50, United Mine Workers of America, herein called District 50, alleging that a question affecting commerce had arisen concerning the representation of employees of Riverside Paper Corporation, Appleton, Wisconsin, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert Ackerman, Trial Examiner. Said hearing was held at Appleton, Wisconsin, on December 20, 1943. The Company and District 50, appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues.<sup>1</sup> 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.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Riverside Paper Corporation is a Wisconsin corporation with its principal offices and only plant located in Appleton, Wisconsin, where it is engaged in the manufacture and sale of writing, mimeograph, ledger, and bond papers. During 1942, the Company purchased raw materials having an approximate value of \$1,750,000, of which

<sup>1</sup> Although served with Notice of Hearing, neither International Brotherhood of Pulp, Sulphite and Paper Mill Workers, A. F. of L., nor International Brotherhood of Paper Makers, A. F. of L., expressed interest in this proceeding or appeared at the hearing.

89 percent was shipped to the Company from points outside Wisconsin. During the same period the Company produced paper having an approximate value of \$2,500,000, of which 91 percent was shipped by the Company to points outside Wisconsin. We find that the operations of the Company affect commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

District 50, United Mine Workers of America is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On November 11, 1943, District 50 notified the Company that it represented a majority of the production and maintenance employees and requested recognition as exclusive bargaining representative of such employees. On November 20, 1943, the Company refused to extend such recognition and questioned the claim of representation made by District 50.

A statement of the Field Examiner introduced into evidence at the hearing indicates that District 50 represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</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

District 50 and the Company agree that production and maintenance employees constitute an appropriate bargaining unit but there is dispute concerning the checker in the finishing room, whom District 50 would exclude. The checker makes a record of the weight of paper delivered to the scale, lifts the paper from the scale, and transports it by hand truck or otherwise to another point in the plant. At other times during the day he assists in stopping skids and doing up rolls, both manual tasks. The checker is carried on the production department pay roll, is hourly rated, is under the supervision of a production foreman, and receives the same rate of pay as a trimmer, a classification included in the unit. In view of the manual tasks performed by the checker and the fact that his working conditions, supervision, and associations are the same as other production employees, we shall include him in the bargaining unit.

<sup>2</sup>The Field Examiner stated that District 50 submitted 94 designations all bearing apparently genuine original signatures. Nineteen designations were undated; the remainder bore dates from September to November 1943. Eighty-seven designations bore the names of persons whose names appear on the Company's pay roll of December 1, 1943. The pay roll contains the names of 163 persons within the appropriate unit.

In accordance with the discussion above, and the agreement of the parties, we find that all production and maintenance employees of the Company, including the finishing department checker, but excluding office employees, clerical employees, foremen, assistant foremen, and other 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 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.<sup>3</sup>

#### 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 3, it is hereby

**DIRECTED** that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Riverside Paper Corporation, Appleton, Wisconsin, 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 Thirteenth 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 election, to determine whether or not they desire to be represented by District 50, United Mine Workers of America, for the purposes of collective bargaining.

<sup>3</sup> District 50 requests that eligibility to vote be determined by the pay-roll period nearest the date of the petition. Since employment by the Company appears to be relatively stable we find no reason to depart from our usual practice in this respect.