

IN the Matter of GAIR BOGOTA CORRUGATED & FIBRE CORP., A SUBSIDIARY OF ROBERT GAIR COMPANY, INC.<sup>1</sup> and UNITED PAPER WORKERS LOCAL UNION 299, AFFILIATED WITH UNITED PAPER, NOVELTY AND TOY WORKERS INTERNATIONAL UNION, C. I. O.

*Case No. 2-R-4326.—Decided February 8, 1944*

*Mr. Cyril W. O'Gorman*, for the Board.

*Rathbone, Perry, Kelley & Drye*, by *Messrs. T. R. Iserman and R. T. Clarke*, of New York City, for the Company.

*Mr. Samuel M. Rothbard*, by *Mr. Clarence Talisman*, of Newark, N. J., for the C. I. O.

*Mr. Thomas L. Parsonnet*, of Newark, N. J., for the Paper Mill Workers and the Paper Makers.

*Mr. Bernard Cushman*, of counsel to the Board.

## DECISION

AND

## ORDER

### STATEMENT OF THE CASE

Upon petition duly filed by United Paper Workers Local Union No. 299, affiliated with the United Paper, Novelty and Toy Workers International Union, C. I. O., herein called the C. I. O., alleging that a question affecting commerce had arisen concerning the representation of employees of Gair Bogota Corrugated & Fibre Corp., a subsidiary of Robert Gair Company, Inc., herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert Denham, Trial Examiner. Said hearing was held at Hackensack, New Jersey, on December 7, 1943. The Board, the Company, the C. I. O., International Brotherhood of Pulp, Sulphite & Paper Mill Workers, herein called the Paper Mill Workers, and International Brotherhood of Paper Makers, herein called the Paper Makers, appeared, participated, and were afforded full oppor-

<sup>1</sup>At the hearing it was stated that the correct name of the Company is as appears in the above caption. A motion made by counsel for the Board to correct all papers in this proceeding to read in accordance with the statement was granted by the Trial Examiner without objection.

tunity 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 an 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

The Company, a Delaware corporation authorized to do business in the State of New Jersey, was known prior to September 1942, as Bogota Paper & Board Corporation. The Company is engaged at Bogota, New Jersey, in the manufacture of paper board and corrugated shipping containers. During the year ending December 1, 1943, the Company used raw materials of the approximate value of \$1,000,000 of which approximately 75 percent represented shipments made to its plant from points outside the State of New Jersey. During the same period the Company manufactured at its plant finished products of the approximate value of \$2,500,000 of which approximately 67 percent was shipped to points outside the State of New Jersey.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act. .

#### II. THE ORGANIZATION INVOLVED

United Paper Workers Local Union No. 299, affiliated with the United Paper, Novelty and Toy Workers International Union, C. I. O., is a labor organization admitting to membership employees of the Company.

International Brotherhood of Pulp, Sulphite & Paper Mill Workers and International Brotherhood of Paper Makers are labor organizations affiliated with the American Federation of Labor, admitting to membership employees of the Company.

#### III. THE ALLEGED APPROPRIATE UNIT

The Company is a wholly owned subsidiary of Robert Gair Company, Inc., herein called the Corporation, and operates as a division of the Corporation in coordination with the 14 other plants making up the Robert Gair Company, Inc., system. The 15 plants making up the Robert Gair Company, Inc., system are located as follows: Brooklyn, New York; Philadelphia, Pennsylvania; Piermont, New York; Portland, Connecticut; New London, Connecticut; Haverhill, Massachusetts; Holyoke, Massachusetts; Newton Upper Falls, Mas-

sachusetts; Utica, New York; Syracuse, New York; Tonawanda, New York; North Tonawanda, New York; Cleveland, Ohio (2 plants), and Bogota, New Jersey. The major portion of the purchasing for all of these plants is done at the central office of the Corporation. All labor relations policies are determined at the central office. Personnel training principles are likewise determined at the central office. Each of the individual plants must obtain approval from the central office before hiring employees. Transfer of employees between plants is, however, infrequent and the Bogota plant is functionally independent as a manufacturing unit.

From at least 1939 to 1942 there have been collective bargaining contracts entered into between the Paper Mill Workers and the Paper Makers on the one hand and the two Gair Companies on the other covering employees at the Bogota, Brooklyn, Haverhill, Tonawanda, Piermont, and Cleveland plants. The record indicates that the bargaining history with reference to the aforementioned plants was on a multiple plant basis. On December 1, 1942, a contract was entered into between the Corporation and the Company on the one hand, and jointly with the Paper Makers and the Paper Mill Workers on the other, covering the following 7 plants of the system: Piermont, Haverhill, Brooklyn, Cleveland, Philadelphia, Newton Upper Falls, and Bogota. The contract provided that it was to continue in effect to December 1, 1943, and from year to year thereafter unless either party gave notice in writing on the preceding November 1. The contract also provided for a union shop.

The C. I. O. contends that a unit restricted to the production and maintenance employees at the Bogota plant is appropriate. The Paper Mill Workers and the Paper Makers contend that the proposed unit is not an appropriate unit, but that such employees at the seven plants included under the coverage of the 1942-1943 contract constitute a single appropriate bargaining unit.

The C. I. O. points to a decision of the Board in a case involving the Tonawanda plant of the Corporation<sup>2</sup> in which the Board held that the employees at the Tonawanda plant could comprise a separate unit, or remain a part of a 3-plant unit, as indicating the correctness of the determination that the Bogota plant might constitute a separate bargaining unit. That case is clearly distinguishable. There, the contract was terminable when the contracting labor organization ceased to represent a majority of the employees at any one of the three plants covered by the contract. Moreover, the contract was administered locally and provided that matters affecting relations between the Corporation and its employees at any of the three plants would be considered and acted upon at meetings limited to employees at the par-

<sup>2</sup> *Matter of Robert Gair Co., Inc. (Tonawanda Bowboards Division)*, 46 N. L. R. B. 1102.

ticular plant involved. Those circumstances are not present here. The 1942-1943 contract was a result of bargaining upon a multiple plant unit basis. There is no evidence that the bargaining has been conducted on the basis of a 1-plant unit. While the Board has frequently found that employees at several plants of a single employer may constitute separate appropriate units, where employees at a number of plants have chosen the same bargaining representative the Board has approved the consolidation of such plants into a single bargaining group.<sup>3</sup> Under all the circumstances, and in view of the bargaining history at the Bogota plant, we find no reason, on the basis of this record, to disturb the bargaining pattern evidenced by the 7-plant contract. We accordingly find that the unit sought by the C. I. O. is inappropriate.

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since the bargaining unit sought to be established by the petition is inappropriate as stated in Section III, above, we find that no question has arisen concerning the representation of employees of the Company in an appropriate bargaining unit.

#### ORDER

On the basis of the aforementioned findings of fact and upon the entire record in the case the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Gair Bogota Corrugated & Fibre Corp., a subsidiary of Robert Gair Company, Inc., filed by United Paper Workers Local Union No. 299, affiliated with United Paper, Novelty and Toy Workers International Union, C. I. O., be, and it hereby is dismissed.

<sup>3</sup> *Matter of West Virginia Pulp & Paper Co.*, 53 N. R. L. B., 814; *Matter of Chrysler Corporation*, 46 N. L. R. B. 411, 415, and cases cited therein.