

In the Matter of LLOYD HOLLISTER, INC. and BINDERY DIVISION OF THE
WILMETTE PRINTING CRAFTS UNION (UNAFFILIATED)

Case No. 13-R-1772.—Decided February 24, 1944

Messrs: William Lister and Otto A. Jaburek, of Chicago, Ill., for the Company.

Mr. M. T. Gruener, of Chicago, Ill., for the Independent.

Mr. Joseph L. Bryan, of Chicago, Ill., for Local 8.

Misses Mary McEnerney and Clara L. Stegmann, of Chicago, Ill., for Local 30.

Mr. William R. Cameron, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon amended petition duly filed by Bindery Division of the Wilmette Printing Crafts Union (Unaffiliated), herein called the Independent, alleging that a question affecting commerce had arisen concerning the representation of employees of Lloyd Hollister, Inc., Wilmette, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George S. Freudenthal, Jr., Trial Examiner. Said hearing was held at Chicago, Illinois, on November 10 and December 23, 1943. The Company, the Independent, Bookbinders' and Paper Cutters' Union, Local No. 8, affiliated with the International Brotherhood of Bookbinders, A. F. of L., herein called Local 8, and Bindery Women's Union No. 30, also affiliated with the International Brotherhood of Bookbinders, A. F. of L., herein called Local 30, 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:

55 N L R B, No. 5.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Lloyd Hollister, Inc., is a corporation having its principal place of business at Wilmette, Illinois, where it is engaged in the business of job and contract printing. The principal raw materials used by the Company are paper, ink, metal, type, and photo-engraving supplies and equipment. Of the raw materials used by the Company during 1942, more than \$50,000, in value, was purchased from Illinois supply houses but was shipped directly to the Company from points outside the State of Illinois. During 1942 the gross receipts of the Company's publishing department were more than \$100,000, and of the Company's printing department more than \$300,000. In its publishing department the Company publishes 3 local community news magazines each week, which circulate primarily in the State of Illinois. Although these publications do not subscribe to any wire or press association news services, syndicated articles, columns, or comic strips, approximately \$5,000 of the revenue of such publications was derived from national and out-of-State advertising accounts. The printing department does job and contract printing of more than 40 local news magazines, college publications, trade journals, house organs, school, club, and church publications and announcements. More than 10 of these have substantial interstate circulation. More than \$40,000 of the gross receipts of the printing department was derived from the printing of the interstate portion of such periodicals. We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

Bindery Division of the Wilmette Printing Crafts Union is an unaffiliated labor organization admitting to membership employees of the Company.

Bookbinders' and Paper Cutters' Union, Local No. 8, and Bindery Women's Union No. 30, are labor organizations affiliated with the International Brotherhood of Bookbinders, in turn affiliated with the American Federation of Labor, each admitting to membership certain employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or shortly after April 15, 1943, an oral demand was made by a representative of the Independent that the Company recognize the Independent as bargaining representative of the employees in its

bindery division. The Company refused to grant such recognition, and referred the Independent to the Board for certification.

A statement of the Regional Director introduced in evidence at the hearing indicates that the Independent, Local 8, and Local 30, each represents a substantial number of employees in the unit which each claims to be appropriate.¹

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 DETERMINATION OF REPRESENTATIVES

The Independent seeks a unit of all the employees of the Company's bindery division, including foremen, delivery men, porter and utility men, but excluding janitors. Local 8 and Local 30 each seeks a separate unit of employees within the bindery division which corresponds with the extent of its respective craft jurisdiction.

Approximately 24 persons are employed in the bindery division, which constitutes 1 of the 4 principal departments of the Company's operations,² and occupies a separate portion of the first floor of the Company's plant. The operations there carried on consist of cutting, trimming, folding, stitching, collating, mailing, punching and perforating. A majority of the operations in the bindery are more or less skilled; there is, however, a considerable interchange of employees among the various jobs. The greater portion of the bindery employees are women, who perform nearly every operation in the bindery with the exception of operating the cutting machines and setting up the heavier folding machines, which latter operations are performed only by certain highly skilled male employees. The men, on the other hand, frequently perform many or all of the operations in which the bindery women are engaged. It thus appears, as the Independent contends, that by reason of the integrated nature of the work of this

¹The Regional Director reported that the Independent submitted 22 application for membership cards, of which 12, dated during March 1943, appeared to bear the genuine, original signatures of persons whose names are on the Company's pay roll of August 4, 1943, containing 24 names within the unit claimed by the Independent to be appropriate.

The Regional Director further reported that Local 8 submitted three authorizations, two dated in April and one in May 1943, bearing apparently genuine, original signatures of persons whose names are on the Company's pay roll of August 4, 1943, containing the names of four persons within the unit claimed by Local 8 to be appropriate. The Independent submitted one application card bearing a name within said unit.

The Regional Director further reported that Local 30 submitted 5 authorizations, 1 being dated in April and 4 in May 1943, bearing apparently genuine, original signatures of persons whose names are on the Company's pay roll of August 4, 1943, containing the names of 14 persons within the unit claimed by Local 30 to be appropriate. The Independent submitted 6 application cards within said unit.

²The record discloses that the Company's plant comprises an office, composing room, pressroom, and bindery. Of these divisions, only the bindery is now without representation for collective bargaining by a duly designated representative.

department, and the intermingling of its employees, a single unit comprising the employees of the bindery division may be appropriate.

Both Local 8 and Local 30, however, introduced evidence at the hearing which indicates that for many years they have represented certain groups of bindery employees on a craft basis, and that at present each of these organizations holds contracts covering the employees, within its respective jurisdiction, of a considerable number of employers in Chicago and vicinity. Local 8 admits to membership the operators of folding and cutting machines, and others of the more highly skilled bindery employees. It here seeks a unit comprising the Company's skilled folding and cutting machine operators. Local 30 admits to membership women performing various machine and hand operations involving on the whole a less degree of skill than those performed principally by the employees represented by Local 8, and here seeks a unit comprising the bindery women. In view of the history of organization and collective bargaining in the printing trades, and particularly in the Chicago area, we are of the opinion that the employee groups sought by Local 8 and Local 30 could properly constitute separate units. They may likewise, for the reasons before indicated, properly be joined in a single unit comprising the bindery division. In this situation we shall permit the scope of the bargaining unit or units to be determined in part by separate elections in these groups.

There remains for consideration the specific composition of the voting groups. Question arose at the hearing concerning the inclusion or exclusion from the proposed unit or units of several employees, whom we shall discuss, as follows:

Elmer Valkenaar is classified by the Company as a foreman. The Independent would include him within the bindery unit. Local 8 would exclude him from the unit which it proposed. The record discloses that Elmer Valkenaar supervises the bindery, pressroom, delivery service, and all other operations and employees on the first floor of the Company's plant. He has authority to hire and to discharge. No other bindery employee has this right or the right of recommendation in respect thereto. In view of his authority and the extent of the departments and operations over which he exercises supervision, it appears that his function is similar to that of a superintendent; we shall exclude him from each of the voting groups.

Charles E. Valkenaar is the son of Elmer Valkenaar above discussed. He is a high school student, approximately 17 or 18 years of age, and for 2 or 3 years has been employed occasionally or part-time, on Saturdays, vacations, or after school, in the bindery. The record does not indicate either that his employment is other than on

a temporary basis or that, though part-time, he is regularly employed. We shall exclude him.

Damon Jerricks spends approximately 90 percent of his time in the bindery doing various types of work similar to that performed by other bindery employees, the rest of his time being occupied in running errands. The record indicates that he is a skilled employee, spending a substantial portion of his time in the operation of folding machines as well as doing hand bindery work, and is the Company's most competent employee in the operation of a stitching machine. We shall include Jerricks in the voting group consisting of the operators of folding and cutting machines.

William Lewis and *Harry Washington* are listed by the Company as "bindery-utility" employees, and *Delbert Alexander* is listed as a "bindery-delivery" employee. The record discloses that each of these men spends the majority of his time at work outside the bindery. Lewis spends not more than approximately 40 percent of his time in work in the bindery and the balance in janitor work. Washington and Alexander are engaged principally in delivery work and spend only 25 percent of their time in the bindery. In view of the small amount of time spent by these employees in the bindery, we shall exclude them from the voting groups.

We shall direct that separate elections by secret ballot be held among employees of the Company within each of the groups listed below who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.³ There shall be excluded from each of such voting groups, in addition to others specifically mentioned herein, all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action. The respective voting groups shall be as follows:

(1) All folding and cutting machine operators, including *Damon Jerricks*, to determine whether they desire to be represented by Bindery Division of the Wilmette Printing Crafts Union or by Bookbinders' and Paper Cutters' Union, Local No. 8, I. B. of B., A. F. of L., or by neither.

(2) The remaining bindery employees, excluding janitors, bindery utility and delivery employees who spend the majority of their time at work outside the bindery, *Charles E. Valkenaar*, and the foreman, to determine whether they desire to be represented by Bindery Division of the Wilmette Printing Crafts Union or by Bindery Women's Union, Local No. 30, or by neither.

³ The parties respectively requested that their names appear on the ballots as follows: Bindery Division of the Wilmette Printing Crafts Union; Bookbinders' and Paper Cutters' Union Local No. 8, I. B. of B., A. F. of L.; and Bindery Women's Union Local No. 30. The requests are hereby granted.

As stated above, there will be no final determination of the appropriate unit or units pending the results of these elections.

DIRECTION OF ELECTIONS

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 Lloyd Hollister, Inc., Wilmette, Illinois, elections by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction of Elections, 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 within the categories set forth below, who were employed by the Company 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 elections, as well as all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action:

(1) All folding and cutting machine operators, including Damon Jerricks, to determine whether they desire to be represented by Bindery Division of the Wilmette Printing Crafts Union or by Bookbinders' and Paper Cutters' Union Local No. 8, I. B. of B., A. F. of L., for the purposes of collective bargaining, or by neither.

(2) The remaining bindery employees, excluding janitors, bindery utility and delivery employees who spend the majority of their time at work outside the bindery, Charles E. Valkenaar, and the foreman, to determine whether they desire to be represented by Bindery Division of the Wilmette Printing Crafts Union or by Bindery Women's Union Local No. 30, for the purposes of collective bargaining, or by neither.