

In the Matter of RIEGEL PAPER CORPORATION and UNITED PAPER, NOVELTY
& TOY WORKERS INTERNATIONAL UNION, C. I. O.

Case No. 4-R-1315.—Decided March 9, 1944

Mr. Lloyd Fisher, of Flemington, N. J., and *Messrs. George L. Bidwell, F. I. Jacoby*, and *G. Lamont Bidwell*, of Milford, N. J., for the Company.

Mr. Frank Grasso, of Richmond, Va., *Mr. William Sheer*, of Philadelphia, Pa., *Mr. C. Arthur Ridge*, of Erwinna, N. J., and *Messrs. Serge Chiarotto* and *Glen Hooper, Jr.*, of Milford, N. J., for the Union.

Miss Marcia Hertzmark, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by 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 Riegel Paper Corporation, Milford, New Jersey, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Herman Lazarus, Trial Examiner. Said hearing was held at Allentown, Pennsylvania, on February 10, 1944. 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

Riegel Paper Corporation, a New Jersey corporation, is engaged in the manufacture of paper and paper products at its plants in Mil-
55 N. L. R. B., No. 65.

ford, Riegelsville, Hughesville, and Warren Glen, New Jersey. During the year 1943 the Company used approximately 101,000 tons of raw materials, which included pulp, waste paper, fibrous material, and chemicals, and over 90 percent of which was shipped to the Company's plants from points outside the State of New Jersey. During the same period the Company sold approximately \$16,106,141 worth of its products, about 72 percent of which was shipped to points outside the State of New Jersey. The Company admits, and we find, that it is engaged in commerce, within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

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

III. THE QUESTION CONCERNING REPRESENTATION

On or about December 3, 1943, the Union requested the Company to recognize it as the exclusive representative of certain employees of the Milford plant. The Company claims that the unit sought is inappropriate and refuses to grant such recognition until the Union is certified by the Board.

A statement of a Field Examiner, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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 Union seeks a unit composed of all production and maintenance employees at the Company's Milford plant, excluding clerical workers, supervisors, foremen, and executives. The Company agrees to the categories of the employees named, but contends that the unit should include the employees in all four of its plants. The plants are located within a few miles of each other. Each has its own supervisor who may discharge employees and who occasionally hires employees, although the personnel office for the four plants is located at the Milford plant. Top management of the Company exercises control over all plants, and its New York Office handles purchases, sales, accounting and traffic

¹ The Field Examiner reported that the Union submitted 269 authorization cards, 15 of which were undated and the remainder of which were dated between August 1943 and January 1944. There are 813 persons in the unit alleged to be appropriate.

for all plants. All plants are served by a chief electrician and a chief engineer, and the Company's power line connects each mill to the others. The work done in each of the plants is similar and some products are sent from one to another for finishing. However, the Milford plant, which is considerably larger than any of the other three, would be able to operate independently of the others in the event of their cessation of operation.

The Union has made no attempt to organize any but the Milford plant, and contends that the employees of that plant should not be denied the benefits of organization because the other plants have not been organized. The record shows that in 1941 the Company and an A. F. of L. union entered into a consent election agreement which applied only to the Milford plant, and that on December 3, 1943, the Company and the Union requested the Board to conduct an election among the employees of the Milford plant. The Company asserts, however, that it has since reversed its position because, among other reasons, it recently learned of certain cases in which the Board has held in accordance with its contention of the present case. The cases cited by the Company are not controlling here.

In view of the above circumstances, we conclude that the unit sought by the Union is appropriate for collective bargaining at the present time.² This conclusion will not, however, preclude a finding at some later date that a larger and more inclusive unit is then appropriate.

We find that all production and maintenance employees at the Company's Milford plant, excluding clerical workers, supervisors, foremen and executives, and all other supervisory employees with authority to hire, promote, discipline, discharge, 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 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,

² See *Matter of Standard Overall Company*, 53 N. L. R. B. 960, and cases cited therein.

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 Riegel Paper Corporation, Milford, New Jersey, 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 Fourth 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 those employees 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 United Paper, Novelty & Toy Workers International Union, C. I. O.,³ for the purposes of collective bargaining.

³ The Union has requested that it appear on the ballot as the "C. I. O." Its request is hereby granted. In the event it wins the election, however, it will be certified as its name appears above.