

In the Matter of THE WALLACE PRESS and CHICAGO TYPOGRAPHICAL UNION, No. 16, AFFILIATED WITH INTERNATIONAL TYPOGRAPHICAL UNION

Case No. 13-R-2325.—Decided May 12, 1944

Mr. Otto A. Jaburek, of Chicago, Ill., for the Company.

Mr. John J. Pilch, of Chicago, Ill., for the Union.

Mr. Glenn L. Moller, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Chicago Typographical Union, No. 16, affiliated with International Typographical Union, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Wallace Press, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert T. Drake, Trial Examiner. Said hearing was held at Chicago, Illinois, on March 23, 1944. The Company and the Union appeared and participated. All parties 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 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 Wallace Press is an Illinois corporation with its principal office and plant located in the city of Chicago, Illinois, where it is engaged in the business of commercial printing.

During the year 1943 the Company purchased paper and other materials exceeding \$1,000,000 in value. Of these materials 70 percent

was shipped to the Company's plant from points outside the State of Illinois. During the same period the Company sold products valued in excess of \$2,500,000, of which 57 percent was shipped from the Company's plant to points outside the State of Illinois.

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

Chicago Typographical Union, No. 16, affiliated with the International Typographical Union, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On February 7, 1944, the Union requested recognition as the exclusive bargaining representative of the employees in the Company's composing room. The Company has refused to grant such recognition until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found 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 parties are in agreement that the appropriate unit should consist of all employees in the sixth floor composing room, including linotype operators, hand compositors, Ludlow operators, proofreaders, foremen, apprentice foremen, and assistant foremen. There is disagreement only as to the inclusion in the unit of three employees who the company contends should be included, and the Union contends should be excluded.² These three men spend varying portions of their time doing lock-up and other work coming under the jurisdiction of the Union. They are, however, primarily pressmen, spending the major portion of their time supervising pressroom employees, and doing pressroom work in entirely separate departments. The

¹ The Board agent reported that the Union submitted 10 application-for-membership cards, 9 of which bore apparently genuine original signatures of persons listed on the Company's pay roll of February 25, 1944, which contained the names of 15 employees in the appropriate unit.

² These employees are Edward Rohn, foreman of the Gordon Pressroom, George Maartin, a Gordon press operator, and George Weisbecker, foreman of the Cylinder Pressroom.

Company contends that if these men are excluded from the bargaining unit and the Union becomes the bargaining agent for the composing room employees, the Union will insist that these men cease doing composing room work, which will necessitate the employment of additional personnel. This is a subject for collective bargaining rather than a matter for consideration by the Board. Collective bargaining in the printing industry has been conducted on a craft basis for many years and has been remarkably successful. We assume that the Company and the Union, if the latter is certified, will be able to find a solution to the problem suggested by the Company. We shall exclude from the unit those employees who do not spend the major portion of their working time in the sixth floor composing room.

We find that all employees of the Company who spend the majority of their working time in the sixth floor composing room, including linotype operators, hand compositors, Ludlow operators, proofreaders, foremen, apprentice foremen, and assistant foremen, 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, 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 The Wallace Press, Chicago, Illinois, 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 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 Chicago Typographical Union, No. 16, affiliated with the International Typographical Union, for the purposes of collective bargaining.