

In the Matter of ROSS-GOULD COMPANY, and AMALGAMATED LITHOGRAPHERS OF AMERICA, ST. LOUIS LOCAL 5

Case No. 14-R-956.—Decided June 2, 1944

Messrs. C. F. M. Curlee and R. R. Moll, of St. Louis, Mo., for the Company.

Messrs. M. Liberatore and Howard Rees, of St. Louis, Mo., for the Union.

Mr. Joseph Lepie, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Amalgamated Lithographers of America, St. Louis Local 5, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Ross-Gould Company at its plant at St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Keith W. Blinn, Trial Examiner. Said hearing was held at St. Louis, Missouri, on May 4, 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

Ross-Gould Company, a Missouri corporation, is engaged at St. Louis, Missouri, in the business of offset printing, advertising, and printing visible card records. During the year 1943 the Company purchased raw materials exceeding \$100,000 in value, of which in

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excess of 70 percent was shipped to the St. Louis plant from points outside the State of Missouri. During the same period the Company's sales exceeded \$100,000 in value, of which more than 60 percent was shipped from the St. Louis plant to points outside the State of Missouri.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Amalgamated Lithographers of America, St. Louis Local 5, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The parties stipulated that on April 4, 1944, the Union requested recognition as the exclusive bargaining representative for all lithographic employees of the Company and that the Company refused to grant such recognition until the Union was certified by the Board.

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 Union claims that the appropriate unit should be comprised of all employees in the Company's plate, camera, offset press, art, stripping and opaque departments, including multilith operators, the head pressman, and the night superintendent, but excluding non-working foremen and other supervisory employees. The Company contends that only a plant-wide unit is appropriate. The record discloses no bargaining history involving the Company's employees.

The operations of the Company are divided into lithographic, binding, Handifax, multigraph and mimeograph, and addressing and mailing sections. All sections, with the exception of the lithographic section, are located on a single floor; the lithographic section is situated on a separate floor. Because of lack of space on the lithographic floor, one large 2-color lithographic press is located in the basement.

¹ The Field Examiner reported that the Union submitted 14 designations bearing apparently genuine original signatures of persons listed on the Company's pay roll of April 16, 1944, which contained the names of 16 employees in the appropriate unit.

All the employees claimed by the Union are employed in the lithographic section. They are engaged in preparing copy, making photographic reproductions of copy, lithographic plate-making, and lithographic printing.

Since the employees in the various classifications in the unit sought by the Union possess varying degrees of skill and all require a degree of proficiency and experience, interchange of employees between the lithographic section and other sections is not feasible. The lithographic section has almost entirely separate supervision and its employees are members of the same craft. The jurisdiction of the Union² is limited to these employees and it seeks its traditional unit. Moreover, it appears that the Union has collective bargaining contracts with other companies in St. Louis covering employees in units substantially the same as that for which it is now petitioning. We are, therefore, of the opinion that the unit sought is appropriate for the purposes of collective bargaining.

The Union seeks to include the head pressman and night superintendent whereas the Company requests their exclusion.

The head pressman,³ the Company's most skilled pressman, is in charge of the 2-color lithographic press in the basement. He is designated by the Company as a working foreman. Approximately all his time is spent in production work and he assists in advising with respect to the purchase of paper and ink. He has no authority to hire, discharge, or recommend such action. We shall include him in the unit, especially since similar classifications are traditionally included in units of non-supervisory employees in the printing trade.⁴

The night superintendent⁵ is in complete charge of the entire night shift.⁶ He has power to recommend hiring and discharging despite the fact that he spends approximately 60 percent of his time in production work. Since he is in direct charge of the plant during the night shift and appears to possess managerial authority, we shall exclude him from the unit.⁷

We find that all employees in the plate, camera, offset press, art, stripping, and opaque departments of the Company, including multi-lith operators and the head pressman, but excluding the night superintendent and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, con-

² St. Louis Local 5.

³ Albert Renda.

⁴ See *Matter of W. F. Hall Printing Company*, 51 N. L. R. B. 640.

⁵ Mathew Kristoff.

⁶ There are approximately 25 employees on the night shift. Under Kristoff there is a foreman in charge of the bindery section. Kristoff spends about 80 percent of his time in the lithographic section.

⁷ See *Matter of Chicago Rotoprint Company*, 45 N. L. R. B. 1263.

stitute 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 Ross-Gould Company, St. Louis, Missouri, 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 Fourteenth 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 Amalgamated Lithographers of America, St. Louis Local 5, affiliated with the American Federation of Labor, for the purposes of collective bargaining.