

In the Matter of THE KANSAS CITY STAR COMPANY and DEPARTMENT STORE, PACKAGE, GROCERY, PAPER HOUSE, LIQUOR & MEAT DRIVERS, HELPERS & WAREHOUSEMEN, LOCAL UNION No. 955, A. F. OF L.

*Case No. 17-R-890.—Decided June 28, 1944*

*Mr. Carl E. Enggas, of Kansas City, Mo., for the Company.*

*Mr. John J. Manning, of Kansas City, Mo., for the Union.*

*Mr. Louis Cokin, of counsel to the Board.*

## DECISION

AND

## DIRECTION OF ELECTION

### STATEMENT OF THE CASE

Upon petition duly filed by Department Store, Package, Grocery, Paper House, Liquor & Meat Drivers, Helpers & Warehousemen, Local Union No. 955, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Kansas City Star Company, Kansas City, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert S. Fousek, Trial Examiner. Said hearing was held at Kansas City, Missouri, on May 25, 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

The Kansas City Star Company is a Missouri corporation with its principal place of business at Kansas City, Missouri, where it is engaged in the business of publishing morning, evening, and weekly newspapers. During the 6-month period preceding May 1944 the

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average daily circulation of the newspapers published by the Company amounted to about 675,000 copies, approximately 35 percent of which was distributed 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

Department Store, Package, Grocery, Paper House, Liquor & Meat Drivers, Helpers & Warehousemen, Local Union No. 955, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On April 28, 1944, the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's truck drivers. The Company refused this request.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

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

We find, in substantial agreement with a stipulation of the parties that all truck drivers of the Company, excluding all supervisory employees with authority to hire, promote, discharge, discipline, 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 means of 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.

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<sup>1</sup> The Field Examiner reported that the Union submitted 15 application for membership cards bearing apparently genuine signatures of persons whose names appear on the May 8, 1944, pay roll of the Company. There are approximately 30 employees in the appropriate unit.

There is some controversy with respect to the eligibility of Gunard Gustafson, Martin Connor, and Gordon Glasglow to vote in the election. Gustafson and Glasglow have worked for the Company as truck drivers 4 hours each Sunday since 1940. They perform the same type of work on Sundays as the regularly employed truck drivers. We find that they have sufficient interest in the conditions of employment to entitle them to participate in the election. Connor works several hours on Sunday for the Company and assists the truck drivers and works on materials incident to the loading of trucks. Since Connor does not regularly engage in the same type of work as the employees in the unit, we find that he is ineligible to vote in the election.

### 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 Kansas City Star Company, Kansas City, 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 Seventeenth 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 any who have since quit or been discharged for cause and who have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by Department Store, Package, Grocery, Paper House, Liquor & Meat Drivers, Helpers & Warehousemen, Local Union No. 955, affiliated with the American Federation of Labor, for the purposes of collective bargaining.