

In the Matter of THE RAPINWAX PAPER COMPANY and CHICAGO NOVELTY AND SPECIALTY WORKERS LOCAL #385, AFFILIATED WITH THE INTERNATIONAL PRINTING PRESSMEN AND ASSISTANTS UNION OF NORTH AMERICA, A. F. OF L.

Case No. 13-R-2494.—Decided August 4, 1944

Fyffe and Clarke, by Mr. Albert J. Smith, of Chicago, Ill., for the Company.

Mr. Joseph B. Roche, of Chicago, Ill., for the Union.

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

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Chicago Novelty and Specialty Workers Local #385, affiliated with the International Printing Pressmen and Assistants Union of North America, A. F. of L., herein called the Union, alleging that a question affecting commerce has arisen concerning the representation of employees of Rapinwax Paper Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Russell Packard, Trial Examiner. Said hearing was held at Chicago, Illinois, on June 30, 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

Rapinwax Paper Company, a Minnesota corporation, operates a plant in Chicago, Illinois, where it is engaged in the manufacture of 57 N. L. R. B., No. 153.

wrappings for food products. During the year 1943, the Company purchased raw materials for use at its Chicago plant amounting in value to more than \$100,000, of which more than 35 percent was obtained from points outside the State of Illinois. During the same period, the Company sold products amounting in value to more than \$100,000, of which more than 35 percent was shipped to points outside the State of Illinois.

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

II. THE ORGANIZATION INVOLVED

Chicago Novelty and Specialty Workers Local #385 is a labor organization affiliated with the International Printing Pressmen and Assistants Union of North America, in turn affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about June 6, 1944, a representative of the Union requested that the Company recognize the Union as collective bargaining representative of the Company's employees in the unit hereinafter found appropriate. The Company refused to grant such recognition.

A statement of the Trial Examiner, read into the record 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 seeks a unit composed of all the employees in the receiving, waxing, rewinding, cutting and sheeting, wrapping, shipping, testing, and maintenance departments, employees of the plate room and miscellaneous help, but excluding printing department, office, and sales employees, executives, and supervisory employees.

The Union seeks to include the foreman of the shipping department and the maintenance foreman, asserting in support of its position that the Union customarily includes such foremen in all of its collective

¹The Trial Examiner stated that the Union submitted 39 application cards dated from April through June 1944, 38 of which bore the names of employees on the Company's pay roll of June 1944, containing approximately 65 names within the appropriate unit.

bargaining contracts.² The Company opposes the inclusion of these foremen. The record discloses that all the Company's foremen in the departments herein sought to be represented by the Union possess authority to make effective recommendations concerning wage increases, promotions, discharges, and other changes in the status of employees under their supervision. They are clearly supervisory employees within the meaning of our customary definition; we shall exclude the foremen.

We find that all employees of the Company at its Chicago plant in the receiving, waxing, rewinding, cutting and sheeting, wrapping, shipping, testing, and maintenance departments, employees of the plate room and miscellaneous help, but excluding printing department, office, and sales employees, executives, foremen, 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, 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 payroll 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, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Rapinwax Paper Company, 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,

²The Union concedes the propriety of exclusion of two other foremen, Milano and Lithio, who are employed by the Company in the capacity of general foremen or assistant superintendents.

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 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 Novelty and Specialty Workers Local #385, affiliated with the International Printing Pressmen and Assistants Union of North America, A. F. of L., for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.