

In the Matter of CON P. CURRAN, PRINTING COMPANY and AMALGAMATED LITHOGRAPHERS OF AMERICA, LOCAL No. 5, AFL

*Case No. 14-R-905*

SUPPLEMENTAL DECISION

AND

DIRECTION

*September 11, 1944*

On August 2, 1944, pursuant to the Decision and Direction of Election issued by the Board herein on July 11, 1944,<sup>1</sup> an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Fourteenth Region (St. Louis, Missouri). Upon the conclusion of the election, a Tally of Ballots was furnished the parties in accordance with the Rules and Regulations of the Board. No objections were filed by any of the parties within the time provided therefor.

The Tally shows that of the approximately 61 eligible voters, 40 cast valid votes, of which 15 were for Amalgamated Lithographers of America, Local No. 5, 17 were for St. Louis Photo-Engravers Local No. 10 of the IPEU of N. A. (AFL), and 8 were for neither. Thirteen ballots were challenged.

In view of the fact that the Tally shows that a majority of the valid votes and challenged ballots had not been cast for any choice, and that the challenges are sufficient in number to affect the results of the election, the Regional Director investigated the validity of the 13 challenged ballots and on August 15, 1944, issued and served on the parties his Report on Challenges. The Amalgamated and the Photo-Engravers have filed Exceptions to said Report.

Upon the basis of the Report of the Regional Director, the Exceptions, and the entire record in the case, the Board makes the following:

SUPPLEMENTAL FINDINGS OF FACT

*William Husband* and *Olga Schlonat* were challenged by the Amalgamated on the ground that they are classified as proofreaders;

<sup>1</sup> 56 N. L. R. B. 159.

58 N. L. R. B., No. 34.

*Rosalie Mantovani* was challenged by the Amalgamated on the ground that she is a proofreader and drafter; and *Virginia Mae Wenzel* and *Rosemary Wilson* were challenged by the Amalgamated on the ground that they are copy holders. The Regional Director reported that all the foregoing employees are employed in the Company's planograph department, and therefore are within the appropriate unit. The Amalgamated contends that only typists are designated by the term "planograph department" in the Board's Decision and Direction of Election herein, and that the foregoing employees are among those designated as "proofreader and layout," excluded by an agreement of the parties at the hearing, approved and adopted by the Board in its Decision. The record discloses, however, that in exhibits introduced into evidence at the hearing, consisting of lists of employees and classifications included in the various departments involved in the lithographic process, the correctness of which was not disputed, it was indicated that the planograph department comprises both proofreaders and copy holders as well as typists, of whom all were then sought to be included by the Amalgamated. We find the record to be clear, therefore, that the classifications of proofreaders and copy holders are among those employed by the Company in its planograph department, which in our Decision, we found to be a part of the lithographic process. It is also clear that the designation of "proofreader and layout" was used by the parties at the hearing, and by the Board in its Decision, with reference to a single specific employee classification listed under the Company's platemaking department. In view of the foregoing, we find that Husband, Schlonat, Mantovani, Wenzel, and Wilson are employees within the appropriate unit, and were eligible to vote in the election; we shall direct that their ballots be opened and counted.

*Leo W. Gass* was challenged by the Company, the Amalgamated, and the agent of the Board on the ground that he is a supervisory employee. He is classified by the Company as a layout man and assistant foreman. In view of the traditional representation of foreman within bargaining units in the printing trades, and the desire of the parties herein, the Board, in its Decision and Direction of Election, included working foremen in the unit in the instant case, but excluded non-working foremen and all other supervisors. The report of the Regional Director discloses that Gass is engaged in lithographic layout work, though of a preliminary nature and not directly related to the production process, and it thus appears that Gass is a working foreman. Inasmuch as the unit in the present case comprises generally all employees engaged at work in connection with the lithographic process, we find that Gass is within the unit. We shall direct that his ballot be opened and counted.

*Ewald Curran* was challenged by the Photo-Engravers on the ground that he is a supervisory employee. He is classified by the Company as a rotary pressman. Although he oversees the work of seven or eight employees, on the night shift in the offset press department, he also spends his working time in the operation of an offset press machine. We find that Curran is a working foreman and was eligible to vote in the election.

*Oscar S. Smith* was challenged by the Company, the Amalgamated, and the agent of the Board on the ground that he is a supervisory employee. He is classified by the Company as a subforeman. The Photo-Engravers contends that Smith, by reason of exigencies that arise in the course of the work of the planograph department, is required a number of times each day to do some typing, proofreading, or correcting of lithographic copy. The Regional Director reported that Smith does no manual labor. We are of the opinion that Smith is not a working foreman such as we have included within the unit herein; we therefore find that he was not eligible to vote in the election, and direct that his ballot be not counted.

*George Miller* was challenged by the Amalgamated on the ground that he is a layout man and that his work, therefore, is not connected with the lithographic process. The report of the Regional Director discloses that Miller is employed in the offset press department, where he operates a step and repeat machine which makes plates to be used on the offset presses. We find that Miller is an employee within the unit; we shall direct that his ballot be opened and counted.

*Lee J. McCann* was challenged by the Company, the Amalgamated, the Photo-Engravers, and the agent for the Board on the ground that he is a part-time employee. The report of the Regional Director discloses that McCann is a member of the United States armed forces, stationed near St. Louis. He was not an employee prior to his induction into the armed forces, but is permitted by his superior officers to work occasionally in the evenings for the Company at layout work, and averages 15 hours per week at such work. We find that McCann is a part-time employee, not regularly employed by the Company, and was not eligible to vote in the election. We shall direct that his ballot be not counted.

*William Kirsch* was challenged by the Amalgamated and by the agent of the Board on the ground that he is a photoengraver. The Photo-Engravers contends that inasmuch as Kirsch has been engaged in both lithographic and photoengraving work, and during the week immediately preceding the election, as well as on the day of the election, spent the majority of his time at lithographic work, he should therefore have been classified as among the employees engaged at work in connection with the lithographic process, and was eligible to partici-

pate in the election. The record discloses, however, that at the hearing herein, Kirsch, who was the only employee classified by the Company as a photoengraver, testified that his primary job was photoengraving and that he only occasionally did work in connection with the lithographic process. On the basis of this testimony the Board specifically excluded Kirsch, designating him by his classification of photoengraver. We find that he was not eligible to vote in the election.

*Albert Funkler* was challenged by the Company, the Photo-Engravers, and the agent of the Board on the ground that the work performed by him is not a part of the lithographic process. The Regional Director reported that the duty of this employee, who is the only one so employed, is to hang paper in a special room to dry preparatory to its use in printing. Most of the paper handled by him is used in the lithographic process. Funkler also sews and dampens rollers used in the lithographic process. The record of the hearing herein discloses that the duty of hanging paper for conditioning as to moisture content is that of a "stock hanger" and that this classification is occupied by Funkler. Although this classification was discussed at the hearing, being among the classifications in the offset press department sought to be included by the Amalgamated, none of the parties then contended that the work done by the employee in this classification is not part of the lithographic process. In view of the entire record, we find that Funkler is an employee in the offset press department engaged at work in connection with the lithographic process, and was, therefore, eligible to vote in the election. We shall direct that his ballot be opened and counted.

*Robert Wulfemeyer* was challenged by the Photo-Engravers on the ground that he was not an employee at the time of the election. The Regional Director's report discloses that although Wulfemeyer was formerly employed by the Company as a typist, he ceased working for the Company on or about May 23, 1944, and is presently working for another employer. As set forth above, the election herein was held on August 2, 1944. Since Wulfemeyer's employment had terminated and he was no longer employed by the Company on the date of the election, we find that he was not eligible to vote. We shall direct that his ballot be not counted.

#### DIRECTION

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, Sections 9 and 10, 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 Con P. Curran

Printing Company, St. Louis, Missouri, the Regional Director for the Fourteenth Region shall, pursuant to said Rules and Regulations, within ten (10) days from the date of this Direction, open and count the challenged ballots of William Husband, Olga Schlonat, Rosalie Mantovani, Virginia Mae Wenzel, Rosemary Wilson, Leo W. Gass, Ewald Curran, George Miller, and Albert Funkler, and shall thereafter prepare and cause to be served upon the parties a Supplemental Tally of Ballots embodying his findings therein and his recommendations as to the result of the secret ballot.