

In the Matter of CLARKSBURG PUBLISHING COMPANY and INTERNATIONAL STEREOTYPERS' & ELECTROTYPERS' UNION OF NORTH AMERICA, A. F. L.

Case No. 6-R-987.—Decided November 6, 1944

Messrs. John S. Stump, Jr., and Cecil B. Highland, of Clarksburg, W. Va., for the Company.

Mr. Lee J. Schwartz, of Pittsburgh, Pa., and Mr. James W. Reed, Jr., of Clarksburg, W. Va., for the Union.

Miss Ruth Rusch, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Stereotypers' & Electrotypers' Union of North America, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Clarksburg Publishing Company, Clarksburg, West Virginia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before W. G. Stuart Sherman, Trial Examiner. Said hearing was held at Clarksburg, West Virginia, on September 29, 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. After the hearing, the Company filed a motion to dismiss the petition on the ground that the employees involved in the proceedings are adequately represented. For reasons stated in Section IV, *infra*, we hereby deny the motion. 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 Company is a West Virginia corporation engaged in the publication of several newspapers and the operation of a job printing

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shop. The papers have a daily circulation of 40,000, of which 1.2 percent is shipped outside the State of West Virginia. For the year ending September 1, 1944, the Company purchased raw materials, consisting of paper, ink, linotype and stereotype metal, and book binders supplies, amounting to more than \$100,000 in value, of which approximately 90 percent was shipped from sources outside the State of West Virginia. During the past year, the Company paid more than \$40,000, for special features and association services. For the same period, the Company derived an income in excess of \$60,000, from the sale of advertising to nationally known advertisers.

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

II. THE ORGANIZATION INVOLVED

International Stereotypers' & Electrotypers' Union of North America is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its stereotypers until the Union has been certified by the Board in an appropriate unit.

A statement of a Field Examiner, 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 seeks to represent a unit composed of the four stereotypers whom the Company employs. It is the Company's contention that the stereotypers are already adequately represented by the International Printing Pressmen and Assistants' Union of North America, herein called the IPU, in a unit with the Company's six pressmen, and that four employees are too small a group to comprise a collective bargaining unit.

The stereotypers work in a separate room on the first floor of the Company's establishment while the pressmen work in the basement.

¹ The Field Examiner reported that the Union submitted a designating petition which bore the names of four persons appearing on the Company's pay roll which contained the names of four employees in the appropriate unit

At the hearing there was evidence indicating that most of the pressmen can assume the duties of the stereotypers but that only one of the stereotypers is able to assist the pressmen. There is no interchange of work between stereotypers and pressmen except in emergencies. The pressmen and stereotypers are under the supervision of the same foreman. The Company's establishment is not, however, what is known in the trade as a "combination shop" and it is clear that the stereotypers constitute a distinct and homogeneous craft group.

In 1937, the Company and the IPU entered into a contract which included both stereotypers and pressmen in the same unit. In 1939, the stereotypers withdrew from the IPU and joined the Union. This was done in accordance with an agreement between the Union and the IPU giving stereotypers who may be represented by the IPU the right to withdraw and join their own craft union at any time. When the stereotypers joined the Union, the Company was notified but nothing further was done at that time about establishing a separate unit for them. It was not until the early part of this year that the Union requested recognition which was subsequently refused.

Since the IPU has relinquished all claim to represent the stereotypers² and it is doubtful whether they have been effectively assimilated in the pressmen's unit since their withdrawal from the IPU in 1939;³ and in view of the craft unit patterns which have long prevailed in the printing industry, we see no reason to disapprove the unit herein proposed.

We, therefore, find that all the Company's stereotypers 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. In accordance with the request made by the Union at the hearing, we shall designate the Union on the ballot as International Stereotypers' and Electrotypers' Union of North America.

² See *Matter of Lever Brothers Company*, 57 N L R B 699, *Matter of General Tire and Rubber Company*, 55 N L R B 250; and *Matter of Westinghouse Electric & Manufacturing Company*, 49 N L R B 445

³ Other than the fact that both pressmen and stereotypers were given an increase in wages at the same time, the evidence does not show whether the IPU continued to bargain for the stereotypers after their withdrawal in 1939

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 Clarksburg Publishing Company, Clarksburg, West Virginia, 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 Sixth 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 International Stereotypers' and Electrotypers' Union of North America, for the purposes of collective bargaining.