

In the Matter of MASTER-CRAFT CORPORATION¹ and INTERNATIONAL
BROTHERHOOD OF BOOKBINDERS, A. F. OF L.

Case No. 7-R-1897.—Decided January 15, 1945

Mr. C. N. Sessions, of Muskegon, Mich., for the Company.

Mr. Robert E. Haskin, of Chicago, Ill., for the Union.

Mr. Samuel G. Hamilton, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Brotherhood of Bookbinders, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Master-Craft Corporation, Kalamazoo, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Cecil Pearl, Trial Examiner. Said hearing was held at Kalamazoo, Michigan, on December 15, 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

Master-Craft Corporation is a Michigan corporation with a plant, involved in this proceeding, located at Kalamazoo, Michigan. It is there engaged in the manufacture of loose-leaf filing equipment and forms therefor. During the past year, the Company's purchases

¹ Name as amended at the hearing.

amounted to \$330,000, of which 45 percent came from points outside the State of Michigan. During the same period, the Company's sales approximated \$1,000,000, of which 80 percent was shipped to points outside the State.

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

II. THE ORGANIZATION INVOLVED

International Brotherhood of Bookbinders, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of certain of its employees until such time as the Union is 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.²

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 bargaining unit consisting of all employees of the Company at its plant at Kalamazoo, Michigan, including working foremen and foreladies, but excluding office and clerical employees, and the superintendent. The Company agrees with the position of the Union, except that it would exclude the working foremen and foreladies. It asserts that these employees should be excluded because they are part of management, have the power to hire and discharge, and are solely responsible for the work produced in their respective departments. In its brief it argues that the Board's practice of including foremen in printing trades units of non-supervisory employees is confined to instances where the parties are in accord as to their inclusion, and was meant to be limited further to cases in which the employer involved had operated under a collective bargaining agreement providing for such inclusion.

² The Field Examiner reported that the Union submitted 55 designation cards, that 53 of the cards were dated "November, 1944" and that 2 were undated, and that all 55 of the designation cards bore names appearing on the Company's pay roll of November 29, 1944, which contained the names of 83 employees in the alleged appropriate unit. The Field Examiner further reported that 5 of the 55 designation cards bore names of persons listed on the pay roll of the Company as "supervisors."

The record discloses that the Company's operations are such that it is considered to be in the printing business, and that it is customary in that business to include foremen in units of non-supervisory workers. There are 83 employees in the unit petitioned for, of whom 11 are working foremen and foreladies who work directly under the factory superintendent. There is no indication that the duties of the working foremen and foreladies extend to matters of business policy. While they are apparently supervisory employees within the meaning of our customary definition, we have heretofore included such printing trades employees in bargaining units comprised of non-supervisory workers.³ This has been our practice notwithstanding the disagreement of the parties concerning their inclusion.⁴ Furthermore, we are not persuaded that their inclusion, sanctioned by custom and tradition and evidenced in part by collective bargaining agreements in the printing trades generally, should be dependent upon whether or not the particular employer involved has operated under a contract covering a unit embracing such employees.⁵ Accordingly, we shall include the working foremen and foreladies in the unit.

We find that all employees at the Kalamazoo, Michigan, plant, of the Company, including the working foremen and foreladies, but excluding office and clerical employees, and the superintendent, 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 Master-Craft Corporation, Kalamazoo, Michigan, an election by secret ballot shall

³ See *Matter of John Dickinson Schneider, et al.*, 59 N. L. R. B. 1133.

⁴ See *Matter of John Dickinson Schneider, et al.*, *supra*; *Matter of Service Printers, Inc.*, 54 N. L. R. B. 1082; *Matter of Leo Lichtenstein, et al.*, 55 N. L. R. B. 1429.

⁵ See *Matter of John Dickinson Schneider, et al.*, *supra*; *Matter of Service Printers, Inc.*, *supra*; *Matter of Leo Lichtenstein, et al.*, *supra*.

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 Seventh 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 quite 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 Brotherhood of Bookbinders, A. F. of L., for the purposes of collective bargaining.