

In the Matter of VAIL-BALLOU PRESS, INC. and BINGHAMTON TYPO-
GRAPHICAL UNION #232

Case No. 3 R-916.—Decided March 16, 1945

Mr. Eugene Von Wellsheim, for the Board.

Messrs. James A. McGarrity, and *C. C. Jessop*, of Binghamton, N. Y., for the Company.

Messrs. Everett C. Krager, and *John J. Burke*, of Binghamton, N. Y., 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 Binghamton Typographical Union #232, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Vail-Ballou Press, Inc., Binghamton, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Milton A. Nixon, Trial Examiner. Said hearing was held at Binghamton, New York, on January 22, 1945. 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

The Company is a New York corporation engaged in the manufacture of printed sheets, printing plates, and bound books. For the year January 1, 1944, through December 31, 1944, the Company

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purchased raw materials amounting to more than \$113,000 in value, of which 60 percent was shipped from sources outside the State of New York. During the same period, the Company sold products amounting to approximately \$856,000 in value, of which 40 percent was shipped to points outside the State of New York.

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

II. THE ORGANIZATION INVOLVED

Binghamton Typographical Union #232 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 certain of its employees 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 to be 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 requests a unit of composing room employees comprising day and night linotype operators, floormen, machinists, machinist assistant, slug casters, mat cabinet attendant, apprentices, and foremen. The Company contends that the unit should also include the proofroom employees.

The proofroom and composing room are separated by a glass partition in order to minimize the noise in the composing room. The composing room crew is comprised of the above-mentioned categories. The proofroom workers of whom there are 17, are classified as proofreaders, copyholders, and revisers. The function of the last group is to read galley and page proofs, to check for errors therein, and to see that the corrections are made properly. The proofroom workers have their own supervision which is separate from that of the composing room. There are 3 proofroom employees who work in the composing room,

¹ The Field Examiner reported that the Union submitted 26 authorization cards, 24 of which bore the names of persons listed on the Company's pay roll, which contained the names of 40 employees in the appropriate unit. The cards were all undated.

but they are, nevertheless, under the jurisdiction of the proofroom supervisor.

The Union has made no attempt to organize the proofroom employees and requests that they be excluded from the bargaining unit. The Union states that of the group in the proofroom only the proofreaders are eligible for membership in its organization. Since the composing room employees constitute a traditional craft group which is both homogeneous and independent of the proofroom, we can find no persuasive reason for including in the unit either a part or all of the proofroom employees whose interests and function differ materially from those of the composing room employees. We shall, therefore, exclude the proofroom employees from the unit.

We find that all composing room employees, including day and night linotype operators, floormen, machinists, machinist assistant, apprentices, slug casters, mat cabinet attendant, and foremen, but excluding all proofroom employees, 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 pay-roll 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 Vail-Ballou Press, Inc., Binghamton, New York, an election by secret ballot shall be conducted as early as possible, but not later than sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Third 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 the 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 Binghamton Typographical Union #232, for the purposes of collective bargaining.