

In the Matter of WEST TACOMA NEWSPRINT Co., AND CELLULOSE ENGINEERS, INC., EMPLOYERS *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, LODGE 297 (IND.), PETITIONER

*Case No. 19-RC-89.—Decided February 23, 1949*

DECISION  
AND  
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.\*

Upon the entire record in this case, the Board finds:

1. The Employers<sup>1</sup> are engaged in commerce within the meaning of the National Labor Relations Act.
2. The labor organizations involved claim to represent employees of the Employers.
3. A question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.
4. The appropriate unit; determination of representatives:

The Petitioner seeks a unit of "all employees of the Company performing work generally recognized as journeymen machinists' work,

\*Chairman Herzog and Members Houston and Gray.

<sup>1</sup>The names of the Employers appear in the caption of this case as amended at the hearing. Cellulose Engineers, Inc., herein called "Cellulose," is a corporation engaged in rendering engineering services in constructing and operating pulp and paper mills in various States and foreign countries. It is employed under a contract with West Tacoma Newsprint Co, herein called "Tacoma," as a corporate general manager in charge of operating Tacoma's mill. Previously, it had rendered engineering services and supervised the rehabilitation of this mill for use in 1946-1947. As the corporate general manager, it selects, hires, discharges, and supervises all employees who work in the mill, directs the mill operations, advises on labor relations policy, and was a signatory to the labor contract with the Paper Workers. The managing officials and department heads of the mill are carried on the pay roll of Tacoma. Cellulose and Tacoma are herein jointly called the Employers.

81 N. L. R. B., No. 147.

including maintenance machinists, helpers and apprentices." Tacoma, Cellulose, Pacific Coast Association of Pulp and Paper Manufacturers (herein called the Association), and International Brotherhood of Paper Makers and Mt. Rainier Local No. 180 of International Brotherhood of Paper Makers (herein jointly called the Paper Makers), contend that existing bargaining on an Association-wide basis should be continued.

Tacoma is engaged in the manufacture of newsprint and maintains a plant at West Tacoma, Washington, where it employs approximately 130 employees. The unit sought by the Petitioner is composed of 4 maintenance mechanics. These employees and 2 others<sup>2</sup> (formerly classified as millwrights and now as "maintenance mechanics B") had previously worked as mechanics for the contractors engaged in construction work at the mill, and when those operations had been completed, were continued as maintenance employees. They work under the direct supervision of the maintenance superintendent, who also supervises the work of a welder-iron worker, a crew of electricians, and a labor gang. They report at a section of a basement, a part of which is used as a supply room. One of them works as a grinder man about one-fourth of his time, operating a machine which is used in the production process; the rest of his time he devotes to repair work in the basement space and in maintenance work in the mill. The others do mostly preventive maintenance work in assigned sections of the mill, and infrequent repair work in the basement space. There are 8 other maintenance employees but their work is not related to the work of the maintenance mechanics. According to the testimony, the machinists in question perform a variety of operations in adjusting machinery, inspecting operating machinery to discover defective parts and replace them before break-downs, making parts where practicable and installing and replacing them. Each of the machinists has served a required period of apprenticeship, and each, including the millwrights, provides his own hand tools. None of them is transferred to other types of maintenance and production work.

We find that these employees are engaged in the performance of work which involve specialized craft skills and are, under established Board policy, ordinarily entitled to a self-determination election.<sup>3</sup> However, the Employers and the Paper Makers urge that the requested unit be denied because of the bargaining history in this plant and in the paper and pulp industry on the Pacific Coast.

---

<sup>2</sup> At the hearing it appeared that two other maintenance mechanics perform related work. The Petitioner took the position that if the Board found them to be engaged in work of the machinist trade, they should be included in the unit sought in the petition.

<sup>3</sup> *Matter of P. Lorillard Company*, 73 N. L. R. B. 596, 601.

The plant at West Tacoma had been idle for several years. About May 1, 1947, after its rehabilitation by Cellulose, production commenced. At about the same time, Tacoma and Cellulose entered into a 3 months' contract with the Paper Makers, covering all mill employees, including the employees involved herein. At the expiration of that contract, Tacoma and the Paper Makers executed another contract, effective July 1, 1947, and terminating July 1, 1948, covering the same complement of employees.

The record discloses that the Association, organized in 1934 for the purpose of the negotiation of labor agreements and the handling of labor problems, now includes 32 of the 36 pulp and paper manufacturers in the Pacific Coast area, comprising the States of Washington, Oregon, and California. Since its organization, the Association has negotiated uniform labor agreements which have been executed and generally adhered to by representatives of the labor organizations and the individual members of the Association as signatories thereto.

In 1946, when Cellulose began rebuilding the plant, it recommended to Tacoma that it apply for membership in the Association. Realizing that some time would be consumed in doing so, the contract with the Paper Makers was made for a short term. The termination date of the second contract was fixed to correspond approximately with that of the Association-wide contract then in effect, with time allowed for the formalities of admission to the Association. On March 10, 1948, Tacoma became a member of the Association, joined in the negotiations for, and became subject to, the uniform labor agreement to which the 32 members of the Association were parties and which went into effect on June 1, 1948.

We believe that the history of the inclusion of these employees in the more comprehensive unit only since May 1947, and the fact that Tacoma's membership in the Association since March 10, 1948, has been of such brief duration, warrant us in declining to deny them the opportunity of deciding at the present time whether they desire to continue to be represented as part of the production and maintenance unit or whether they desire to bargain as a separate unit on a single employer basis. We will, therefore, make no final unit determination until we have first ascertained the desires of the employees involved. Accordingly, we shall direct an election by secret ballot among the following employees of the Employers at their West Tacoma, Washington, plant:

All employees performing journeymen machinists work, including maintenance machinists, millwrights,<sup>4</sup> their helpers and apprentices,

<sup>4</sup> The millwrights are also described as "maintenance mechanics B."

and excluding all other employees, professional employees, guards, office employees, and supervisors.

If the employees in the above voting group select the Petitioner, they will be taken to have indicated their desire to constitute a separate unit. If they select the Intervenor, they will be taken to have indicated their desire to remain a part of the production and maintenance unit now represented by the Intervenor.

#### DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, as amended, among the employees in the voting group described in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, 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, and also excluding employees on strike who are not entitled to reinstatement, to determine whether they desire to be represented, for purposes of collective bargaining, by International Association of Machinists, Lodge 297 (Ind.), or by Mt. Rainier Local 180 of International Brotherhood of Paper Makers, or by neither.