

In the Matter of RIEGEL PAPER CORPORATION *and* PAPER WORKERS
ORGANIZING COMMITTEE, CIO

Case No. 4-R-1734.—Decided August 25, 1945

Herr and Fisher, by Mr. Lloyd Fisher, of Flemington, N. J., for the Company.

Mr. William Sheer, of Philadelphia, Pa., for the Union.

Mr. Harry Nathanson, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Paper Workers Organizing Committee, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Riegel Paper Corporation, Milford, New Jersey, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. The hearing was held at Easton, Pennsylvania, on June 4, 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

Riegel Paper Corporation, a New Jersey corporation, is engaged in the manufacture of paper and paper products at its plants in Milford, Riegelsville, Hughesville, and Warren Glen, New Jersey. During the year 1944, the Company used approximately 100,000 tons of raw materials which included pulp, waste paper, fibrous material, and

chemicals, and more than 90 percent of which was shipped to the Company's plants from points outside the State of New Jersey. For the same period the Company sold approximately \$16,150,000 worth of its products, about 72 percent of which was shipped to points outside the State of New Jersey.

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

II. THE ORGANIZATION INVOLVED

Paper Workers Organizing Committee, affiliated with the Congress of Industrial Organizations, is a labor organization 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 employees at its Milford plant until the Union has been certified by the Board in an appropriate unit.

The Company contends that no election should be held at this time because it is now "facing a third election in 4 years." We find no merit in this contention, inasmuch as the last election among the Milford employees was held on March 29, 1944,¹ more than 1 year ago, and a statement of a Board agent, introduced into evidence at the hearing, indicates that the Union now 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 desires a unit consisting of all production and maintenance employees at the Company's Milford plant, excluding office clerical workers, supervisors, foremen, and executives. The Company agrees that the categories of employees sought by the Union are appropriate, but contends that the unit should include the employees of all four of its plants.

In the last proceeding affecting the Company's employees³ the United sought the identical unit now petitioned for by the Union, and

¹ See *Matter of Riegel Paper Corporation*, 55 N. L. R. B. 358. There, the employees voted against representation by United Paper, Novelty & Toy Workers International Union, herein called the United, the only labor organization on the ballot.

² The Field Examiner reported that the Union submitted 293 authorization cards and that there were 800 employees in the alleged appropriate unit.

³ See footnote 1, *supra*.

the Company took the same position it presently advances. Nevertheless, in its Decision and Direction of Election in that case the Board stated:

The plants are located within a few miles of each other. Each has its own supervisor who may discharge employees and who occasionally hires employees, although the personnel office for the four plants is located at the Milford plant. Top management of the Company exercises control over all plants, and its New York Office handles purchases, sales, accounting and traffic for all plants. All plants are served by a chief electrician and a chief engineer, and the Company's power line connects each mill to the others. The work done in each of the plants is similar and some products are sent from one to another for finishing. However, the Milford plant, which is considerably larger than any of the other three, would be able to operate independently of the others in the event of their cessation of operation.

The [United] has made no attempt to organize any but the Milford plant, and contends that the employees of that plant should not be denied the benefits of organization because the other plants have not been organized. The record shows that in 1941 the Company and an A. F. of L. union entered into a consent election agreement which applied only to the Milford plant, and that on December 3, 1943, the Company and the [United] requested the Board to conduct an election among the employees of the Milford plant. The Company asserts, however, that it has since reversed its position because, among other reasons, it recently learned of certain cases in which the Board has held in accordance with its contention of the present case. The cases cited by the Company are not controlling here.

In view of the above circumstances, we conclude that the unit sought by the [United] is appropriate for collective bargaining at the present time. This conclusion will not, however, preclude a finding at some later date that a larger and more inclusive unit is then appropriate.

Evidence adduced at the hearing in the instant case reveals substantially the same facts.⁴ The Union, as successor to the United, continued the attempts to obtain representation of only the employees of the Milford plant. We note, moreover, that there is practically no interchange between the production and maintenance employees of the Milford plant and those of the other three plants. Thus, we are persuaded that the unit sought by the Union is appropriate.

⁴ At the hearing in this proceeding, company witnesses testified that the War Production Board, the Office of Price Administration, the War Manpower Commission, and other governmental agencies regarded the Company's four plants as a single unit. Their criteria are necessarily different from those of this Board, which operates under a specific statute.

We find that all production and maintenance employees of the Company's Milford, New Jersey, plant, excluding office clerical workers, supervisors, foremen, executives, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, 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 Riegel Paper Corporation, Milford, New Jersey, 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 Fourth 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 any 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 Paper Workers Organizing Committee, CIO, for the purposes of collective bargaining.