

In the Matter of AMERICAN BOX BOARD COMPANY, EMPLOYER *and*
INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL UNION No.
547, AFL, PETITIONER

Case No. 7-RC-814.—Decided June 6, 1950

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Cecil Pearl, hearing officer. 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 Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Reynolds and Styles].

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

1. The Employer is engaged in commerce within the meaning of the Act.

2. The labor organizations involved claim to represent certain employees of the Employer.

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. Petitioner seeks a unit consisting of all the power plant employees at the Employer's paperboard mill at Grand Rapids, Michigan. The Employer and the Intervenor, International Brotherhood of Paper Makers, Local Union No. 211, AFL, contend that the existing plant-wide unit currently represented by the Intervenor is the only appropriate unit. In 1941, as the result of a consent election, the Intervenor was certified as representative of a unit comprising all production maintenance and power plant employees at the mill and since then has held annual contracts, the latest of which expired March 17, 1950.¹

The paperboard mill, housed in a single building, consists of two paper machines (sometimes referred to as Mill #1 and Mill #2), paper processing or beater rooms, machine, carpenter, electrical, and welding shops, unloading docks, a technical department and laboratories, first aid room, and the power plant.² The mill building is arranged in the shape of a U, with the power plant at the base of the U.

¹ The Employer also has in Grand Rapids a folding paper box and carton plant which obtains its electrical power from a local public utility and has only a small boiler plant supplying building heat. Its employees, including those in the boiler plant, are represented by a union other than the Intervenor or the Petitioner and are not involved in this proceeding.

² Across the street from the paperboard mill, and connected with it by a tunnel, is a building housing the general offices of the Employer and its corrugated and solid fibre shipping container plant. This building is also serviced by the power plant but is apparently not considered to be a part of the paperboard mill. The personnel therein is not covered by the contract.

Thus, the power plant is contiguous to the other divisions of the mill, although separated from them by heavy fire walls. However, doors in the fire walls make it possible to pass freely from one section of the mill to others through the power plant.

In the power plant proper are situated a steam turbine, generators, steam lines auxiliary equipment, pumps and air compressors, a large boiler plant, and two modern high pressure machines. Outside the confines of the power plant, located in the basement under the No. 1 and No. 2 paper machines, are two steam turbines which drive the shafts of the paper machines. The operation, maintenance, and repair of these turbines, as well as that of all the equipment in the power plant proper, except repair of electrical equipment,³ is the responsibility of the power plant personnel.

The proposed unit consists mainly of workers in the usual powerhouse and boilerhouse work classifications, such as operating engineers, firemen, steam shovel operators, coal men, utility men, repairmen and repairmen helpers.⁴ In addition, there are two water conditioners, a classification usual in paper mill power plants.

Powerhouse personnel is under the immediate supervision of a plant engineer and his assistant. There is a general plant engineer, to whom the power plant engineer reports, who is responsible for power operation and for all maintenance services not only in the mill but in all the Employer's Grand Rapids plants. Employees from the general maintenance crew are called upon when necessary to supplement the work of the powerhouse personnel, particularly during periodic overhauls of the turbines.⁵ In emergencies power plant personnel have also performed work in the mills. However, the Employer concedes that in 1949 the percentage of their working time spent in the mills was small.

The Employer contends that the integrated nature of the operations of its paperboard mill renders inappropriate the severance of the power plant personnel. It is true that all phases of the production process in the mill are completely dependent upon the steam and power generated in the power plant. However, we have frequently considered this question with respect to paper mills and have uniformly held that the functions of power plant personnel are not of such a nature as to preclude their severance from an existing production and

³ The job descriptions for the power plant include an electrician, but in practice it developed that there was not enough electrical work in the power plant to keep one man busy. When electrical repair is necessary, electricians from the general plant maintenance crew are called upon to perform it.

⁴ State and municipal regulations do not require licenses for powerhouse work nor does the Employer have an apprentice program.

⁵ The Employer was unable to estimate the time spent by general maintenance personnel on work in the powerhouse because it kept no records reflecting this information.

maintenance unit.⁶ We find that these employees are a distinct, homogeneous, and functionally coherent group similar to other power plant units to whom we have granted severance.⁷ We therefore find that all power employees in the power plant at the Employer's paperboard mill at Grand Rapids, Michigan, excluding all other employees and all supervisors as defined in the Act, may constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

However, we shall make no final unit determination at this time, but shall first ascertain the desires of these employees as expressed in the election hereinafter directed. If a majority vote for the Petitioner they will be taken to have indicated their desire to constitute a separate unit.

DIRECTION OF ELECTION⁸

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, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the payroll period immediately preceding the date of this Direction of Election, including employees who did not work during said payroll 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 Brotherhood of Paper Makers, Local Union No. 211, AFL, or by International Union of Operating Engineers, Local Union No. 54, AFL, or by neither.

⁶ *Worthy Paper Company*, 80 NLRB 7; *Container Corporation of America*, 83 NLRB 424.

⁷ The Employer seeks to distinguish its paperboard mill operations from those in the plants involved in the cases cited in footnote 6, on the ground that two factors not there present integrate the work of its powerhouse personnel more closely with the production process. The first factor, that water used throughout the production process must be chemically treated within the powerhouse, was also present in *West Virginia Pulp and Paper Company*, 81 NLRB 261. In that case we permitted severance of all power plant personnel, including water treaters, as a homogeneous group entitled to representation as a separate unit if they so desired, despite the Petitioner's contention that water treaters should be excluded from a powerhouse unit.

The second factor on which the Employer relies is that the shafts of its paper-making machines are driven directly by turbines located outside the physical confines of the power plant. We find no merit in its contention that the power plant employees who tend these turbines are therefore directly engaged in a production operation.

⁸ Either participant in the election directed herein may, upon its prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot.