

IN the Matter of ALPHA LITHOGRAPH CO., EMPLOYER and INDEPENDENT
LITHOGRAPHERS UNION OF THE CITY OF CAMDEN, NEW JERSEY,
PETITIONER

Case No. 4-R-2761.—Decided March 2, 1948

Mr. Elmer G. Van Name, of Camden, N. J., for the Employer.

Mr. N. Thomas Smaldore, of Camden, N. J., for the Petitioner.

Matthew Silverman, Esq., by *Messrs. Benjamin M. Robinson* and
Walter Harris, of Collingswood, N. J., for the Intervenor.

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Philadelphia, Pennsylvania, on December 5, 1947, before John H. Garver, hearing officer.¹ The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Alpha Lithograph Co., a New Jersey Corporation, operates a lithographing plant in Camden, New Jersey. The Employer annually receives at its plant raw materials consisting of paper, ink, chemicals, and film, valued in excess of \$100,000, of which more than 90 percent is received from points outside the State of New Jersey. It annually produces finished products at its plant valued in excess of \$500,000, approximately 50 percent of which is shipped to points outside the State of New Jersey.

The Employer admits, and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

¹ Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the National Labor Relations Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members [Houston, Reynolds, and Gray].

II. THE ORGANIZATIONS INVOLVED

The Petitioner is a labor organization claiming to represent employees of the Employer.

Amalgamated Lithographers of America and Local No. 14 of Amalgamated Lithographers of America, herein jointly called the Intervenor, are labor organizations affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Petitioner as the exclusive bargaining representative of employees of the Employer until the Petitioner has been certified by the Board in an appropriate unit.

We find that 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.

IV. THE APPROPRIATE UNIT

The Petitioner seeks a unit composed of all hourly paid production and maintenance employees, including press helpers, general workers, and the shipper, but excluding salaried employees and all supervisory personnel. The Intervenor would exclude from the unit press helpers, general workers, and the shipper, alleging that these employees were not included in the unit covered by its contract with the Employer in 1945 and 1946. The Employer takes no specific position with respect to the appropriateness of the unit but agrees with the Petitioner that the above-mentioned employees were, in fact, covered by the said contracts.

The Employer is engaged in the operation of a lithographing plant in Camden, New Jersey. Its manufacturing operations consist of approximately 6 departments, *viz*, the press, plate-making, art, photographic, stripping, and plate graining departments, all of which are under the supervision of the plant superintendent. The only other supervisory employees are the foremen in the press and plate-making departments. With the exception of the foregoing supervisory employees and the office force, the Employer employs a total of approximately 46 employees, including 5 press helpers, 3 general workers, and 1 shipper.

The history of collective bargaining at the Employer's plant discloses that the Employer and the Intervenor executed collective bargaining agreements for the years 1945 and 1946, respectively, covering "all those employees in the lithographing department on or about offset presses or other lithographic presses and all those employees who

contribute in any manner to the making of lithographic plates.”² Appended to each contract was a minimum wage scale listing certain classifications and containing, in addition, a general provision fixing a minimum wage for male and female employees.

It is the contention of the Intervenor that all employees intended to be covered by the above-mentioned agreements are defined by the classifications set forth in the minimum wage scale, and that inasmuch as press helpers, general workers, and the shipper are not set forth in the minimum wage scale, these employees were not covered by the contracts. The Petitioner and the Employer assert, however, that the contract provisions clearly indicate that these employees were covered by the contract inasmuch as “all those who contributed in any manner in the making of lithographic plates” were included within its coverage; and that the general provisions of the wage scale included any employees of the Employer not specifically covered by classifications set forth in the minimum wage scale.

The record discloses that during the bargaining negotiations leading to the contracts of 1945 and 1946, no discussions took place with respect to the inclusion or exclusion of any of the Employer’s employees. It indicates, however, that general workers are not bargained for by the Intervenor under any of its collective bargaining agreements with plants similar to the Employer’s.³ It would thus appear that the history of collective bargaining is inconclusive with respect to the issue of whether press helpers, general workers, and the shipper were included in the unit represented by the Intervenor in 1945 and 1946.

Under these circumstances and upon the entire record of the case, we perceive no reason for excluding these employees from the unit sought herein. We shall, therefore, include them in the unit.

We find that all hourly paid production and maintenance employees of the Employer, including press helpers, general workers, and the shipper, but excluding salaried employees and supervisors, as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Alpha Lithograph Co., Camden, 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

² The record shows that as the result of negotiations with an association of employers which included the Employer, the Intervenor executed identical agreements with approximately 30 lithographic companies in the Philadelphia area.

³ The only exception is in the case of one particular plant where certain specific general workers were included by a rider attached to the original contract.

Direction, under the direction and supervision of the Regional Director for the Fourth Region, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, 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, 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 by Independent Lithographers Union of the City of Camden, New Jersey, or by Amalgamated Lithographers of America, Local No. 14, C. I. O., for the purposes of collective bargaining, or by neither.