

that Deering was in charge of them during the morning 2 hours, or at any time of the day. According to Paul Beam's credited testimony, however, he told Deering on one occasion, when no other employees were present, that he wanted Deering to "take over the morning shift," and has also told him that he is in charge when neither of the Beams is there. He further testified that he told one of the employees on the morning shift that he was to take orders from Deering. Admittedly, however, he has not authorized Deering to hire or discharge employees; not does it appear that Deering recommends hiring or discharge. Deering, however, is supposed to, and does, report to Superintendent Beam when employees are late or derelict in the performance of their duties; and in some cases when he has made such a report, the employee has been reprimanded or discharged.

From the above facts and the record as a whole, it appears that Deering has no authority to hire, discharge, or discipline any employees or to make effective recommendations with respect to such matters. In our opinion his limited authority temporarily to transfer men during the early morning shift, and the fact that he makes reports on employees to Superintendent Beam do not bring him within the statutory definition of a supervisor. Nor is the fact that during approximately 2 hours of the day he is the only one present to see that the work is properly done conclusive of such status, in view of the fact that there are only 5 employees present during this time and that the work appears to be routine in nature, requiring no independent judgment or responsible direction on his part.<sup>4</sup> Like the hearing officer, therefore, we find that Deering is not a supervisor, and that he is included in the unit heretofore found appropriate.

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<sup>4</sup>See Warren Petroleum Corporation, 97 NLRB 1458.

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M. H. GRONAUER COMPANY' AND SOUTHLAND PAPER COMPANY *and* UNITED PAPERWORKERS OF AMERICA, CIO, Petitioner. Case No. 32-RC-698. January 26, 1954

### SUPPLEMENTAL DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a Decision and Direction of Election issued herein on November 9, 1953, an election by secret ballot was conducted on November 19, 1953, under the direction and supervision of the Regional Director for the Fifteenth Region, among the employees in the unit found appropriate by the Board. Following the election, a tally of ballots was furnished the parties. The tally shows that of approximately 47 eligible voters, 24 voted for the Petitioner and 23 voted against the Petitioner. There was also 1 challenged ballot.

As the challenged ballot could affect the results of the election, the Regional Director investigated the validity of this ballot and, on November 25, 1953, issued and duly served upon the parties a report on challenged ballots, in which he recommended that the challenge be sustained. Within the proper time therefor, the Employer filed exceptions to the Regional Director's report.

Having duly considered the matter, the Board finds as follows:

The challenged ballot is that of Gilbert Jackson. The Petitioner challenged his vote upon the ground that he is a supervisor.

Jackson operates a master gluing machine and is also assistant to Superintendent Poe who is in charge of the box and printing plant. In addition to Poe and Jackson, there are 31 employees, all of whom are indisputably nonsupervisory employees. As operator of the gluing machine, Jackson exercises immediate direction of 2 girls and 1 packer. However, the direction is in accord with a master schedule prepared by Manager Faerber and posted on the bulletin board each day.

As assistant to Poe, Jackson acts as superintendent when Poe is absent. In 1952, Jackson replaced Poe for a 2-month period while Poe was hospitalized. At the present time, Jackson regularly acts in place of Poe every other evening from 5 to 8 p. m. Another employee substitutes for Poe during the other evenings of the week.

Poe and Jackson are the only employees in the department who are paid a weekly salary. They are also the only employees who do not punch a time clock.

Upon the foregoing facts, the Board finds, in agreement with the Regional Director, that Gilbert Jackson is a supervisor and therefore was not eligible to vote in the election. Accordingly, the challenge to his ballot is hereby sustained.

As the Petitioner has secured a majority of the valid votes cast in the election, we shall certify it as bargaining representative of the employees in the appropriate unit.

[The Board certified United Paperworkers of America, CIO, as the designated collective-bargaining representative of the production and maintenance employees of M. H. Gronauer Company and Southland Paper Company.]

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S. & L. CO. OF DES MOINES *and* LOCAL NO. 30, RETAIL CLERKS INTERNATIONAL ASSOCIATION, A. F. OF L.,  
Petitioner. Case No. 18-RC-2078. January 26, 1954

## DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a stipulation for certification upon consent election, an election by secret ballot was conducted on November 5, 1953, under the direction and supervision of the Regional