

In the Matter of A. B. DICK COMPANY, EMPLOYER and CHICAGO TYPOGRAPHICAL UNION NUMBER 16, INTERNATIONAL TYPOGRAPHICAL UNION, AFL., PETITIONER

Case No. 13-R-4204.—Decided June 24, 1947

Pope & Ballard, by Messrs. *Ernest Ballard* and *W. W. McKittrick*, of Chicago, Ill., and Mr. *C. J. Anderson*, of Chicago, Ill., for the Employer.

Messrs. *N. M. Di Pietro* and *James Cain*, of Chicago, Ill., for the Petitioner.

Mr. Harry W. Clayton, Jr., of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at Chicago, Illinois, on April 10, 15, and 16, 1947, before Max Rotenberg, hearing officer. 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 National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

The Employer, an Illinois corporation, operates two manufacturing plants in Chicago, Illinois, where it is engaged in the manufacture of mimeograph duplicating machines, stencil sheets, supplies, and accessories. At its Lake Street plant, the Employer operates a customers' service department, the only part of its operations involved in this proceeding. The purchases of material for the Lake Street plant exceed \$1,000,000 per annum, of which more than 80 percent comes from points outside the State of Illinois. The sales of manufactured products of the Lake Street plant exceed \$1,000,000 per annum, of which more than 90 percent is shipped to points outside the State. The purchase of materials for use at the Employer's customers' service department exceeds \$200,000 per annum, of which virtually all comes from points within the State. The manufactured products of the

customers' service department exceed \$200,000 per annum, of which more than 90 percent is shipped to points outside the State of Illinois.

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

II. THE ORGANIZATION INVOLVED

The Petitioner is a labor organization affiliated with International Typographical Union, which is affiliated with the American Federation of Labor, 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 has arisen concerning the representation of employees of the Employer, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Petitioner seeks a unit composed of all make-up men, lock-up men, and copy checkers in the Employer's customers' service department, including the make-up group leader, but excluding all other employees. The Employer contends that it is not engaged in the printing industry and, consequently, the traditional printing trades craft unit requested by the Petitioner is inappropriate. It further maintains that the appropriate unit should be one composed of all the employees of the customers' service department, including the group leaders, but excluding the employees in the photo-chemical section.¹ Thus, in addition to the employees in the unit sought by the Petitioner, the Employer would include plastic die molders, die impressing and form topping machine operators, checkers and packers, straight knife operator, and laborers.

The function of the customers' service department is to cut or "stencilize" uniform material or copy on standard stencil sheets in quantity for customers of the Employer. Hand set type forms are made up and are either sent to an outside firm for nickelplating or to the plastic die molders for the preparation of plastic dies. The plate or die is sent to the pressmen where it is used to impress the stencil.

¹ The photo-chemical section is engaged in the reproduction of customer copy by a photo-chemical process wherein the material is photographed and reproduced by photographic contact printing of the film on stencil. The parties agreed, and we find, that the employees in this section should be excluded from the unit hereinafter found appropriate.

Twice during the process proofs are printed and are proofread by the copy checkers. The employees in this department use tools and equipment found in commercial printing establishments. For example, the tools used by the form make-up men include sticks, frames, galleys, tweezers, stone and imposing tables; chases, and quoins; and those used by lock-up men include chases, stones, and alignment gauges. Other equipment of this department includes a pony press, Miehle vertical presses, and Webendorffer presses. The record shows that the process, in general, follows that employed in commercial printing plants. The major deviation lies in the fact that the copy is transferred by impression on a stencil stock without the application of ink. We are of the opinion that the operations performed and functions exercised by the employees involved in this proceeding are analogous to those found in regular printing establishments and that, therefore, the same principles may be applied in our determination of the appropriate bargaining unit as are customarily applied by the Board in the printing industry.

The Employer further alleges in support of a finding of an appropriate unit composed of all employees of the customers' service department that the employees work in the same room, have frequent contacts with each other, and are subject to uniform working conditions, and that there is an interchange of employees between job classifications.

The customers' service department is located on one floor of the Employer's plant; except for the photo-chemical section, there are no partitions separating the groups working in the various phases of production; and the record indicates that there have been some temporary assignments of employees from the duties of their official classifications to those of other jobs for training, for substituting for absentees, and for meeting momentary shifts in work load. It is true that, as contended by the Employer, all employees of the customers' service department, except the foreman and the employees in the photo-chemical section, could very well function as a single unit. However, there is no collective bargaining history covering the employees involved. We are of the opinion that the unit requested by the Petitioner follows well-recognized craft lines in the printing trade, and as such warrants its establishment as a separate collective bargaining unit.²

We find that all make-up men, lock-up men, and copy checkers, in the Employer's customers' service department at its Lake Street plant,

² See *Matter of LaSalle-Crittenden Press, Inc.*, 72 N. L. R. B. 1166; *Matter of Unarco Incorporated*, 71 N. L. R. B. 605; *Matter of Rudolph Orthome*, 60 N. L. R. B. 447; and *Matter of H. L. Ruggles & Company*, 58 N. L. R. B. 308.

Chicago, Illinois, including the make-up group leader,³ but excluding the foreman⁴ and all or any 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.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with A. B. Dick Company, Chicago, Illinois, 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 Thirteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Sections 203.55 and 203.56, of National Labor Relations Board Rules and Regulations—Series 4, 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, and including employees in the armed forces of the United States who present themselves in person at the polls, 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, to determine whether or not they desire to be represented by Chicago Typographical Union Number 16, International Typographical Union, AFL, for the purposes of collective bargaining.

CHAIRMAN HERZOG took no part in the consideration of the above Decision and Direction of Election.

³ Peter John Michaels, who is also referred to as "assistant foreman" Supervisory employees in like classifications are traditionally included in units of non-supervisory employees in the printing industry; see cases cited in footnote 2, *supra*

⁴ The parties agreed to exclude this employee who has charge of the entire operations of the customers' service department, including the hiring of employees, the Petitioner's agreement is based on the ground that he is not a foreman but a plant superintendent as known in the printing industry.