

tenance and repair of machinery (except boilers and except work on electric motors and generators other than work on bearings on large motors and generators) and of valves where work is done in place (except plumbing in quarters); fabrication, installation, or removal of said hand rails and stanchions in machinery spaces; operation and adjustment of boilers and machinery during ship trials (except electrical equipment and dock machinery); operation of tool cribs and central toolroom; fabrication and repair of parts in machine shops; work incidental to the foregoing, and operation and use of all hand and power tools in the machine shops and of such hand and power tools aboard ships or in the yard as required by the nature of the aforesaid work; excluding riggers, all other employees, watchmen and guards, office clerical employees, and all supervisors as defined in the Act.

5. If a majority vote for the Petitioner they will be taken to have indicated their desire to constitute a separate appropriate unit, and the Regional Director conducting the election directed herein is instructed to issue a certification of representatives to the Petitioner for the unit described in paragraph numbered 4, which the Board, under such circumstances, finds to be appropriate for purposes of collective bargaining. In the event a majority do not vote for the Petitioner, the Board finds the existing unit to be appropriate and the Regional Director will issue a certification of results of election to such effect.

[Text of Direction of Election omitted from publication.]

MEMBER MURDOCK took no part in the consideration of the above Decision and Direction of Election.

**American Forest Products Corporation and Printing Specialties and Paper Products Union, Local No. 382, AFL, Petitioner**

**American Forest Products Corporation and International Union of Operating Engineers, AFL, Petitioner.** *Cases Nos. 20-RC-2856 and 20-RC-2868. November 28, 1955*

## DECISION AND DIRECTION OF ELECTIONS

Upon petitions duly filed under Section 9 (c) of the National Labor Relations Act, and thereafter consolidated, a hearing was held before Shirley N. Bingham, 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 this case the Board finds:

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

2. The petitioning labor organizations and those that were permitted to intervene at the hearing claim to represent employees of the Employer.

3. A question of representation affecting commerce exists concerning certain employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The petitions here seek, respectively, a production and maintenance unit and a maintenance unit at the Employer's new plant at Newark, California, where it manufactures corrugated paper boxes. At the hearing each Petitioner intervened in the petition of the other. Also, Warehouse Union Local 12, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL, which seeks to represent production employees, intervened in the proceeding for an overall unit (Case No. 20-RC-2856), as did the International Brotherhood of Pulp, Sulphite and Paper Mill Workers, AFL, which seeks a production and maintenance unit. The latter union also intervened in the proceeding for a maintenance unit (Case No. 20-RC-2868).

The Employer urges the appropriateness of the production and maintenance unit, rather than separate units of production and of maintenance employees. The plant is housed in a single structure having a separate boilerroom and adjacent mesh enclosure that is referred to as the "shop." The plant operates on a single-shift basis. The production and maintenance group consists of 55 employees, all of whom work at the various machines in the 1 large production area. The three production departments—craft, finishing, and corrugating—and the shipping department each has its own "department foreman." In addition the plant has two general foremen and a plant superintendent. The maintenance department consists of 4 employees plus 1 who is on extended sick leave.

The function of the maintenance department is to do all machinery maintenance work and to operate the boiler, which is an automatic gas-fired unit that furnishes power to the corrugating machine. It is estimated that boiler operation takes a total of 2 hours of work per day, which is divided between the 4 maintenance mechanics who are working. One of these is a qualified electrician but the Employer refers to him as an apprentice because of his lack of experience in machinery maintenance at a plant of this type. All were hired because of maintenance experience rather than boiler operation. The shop contains a welding machine, saw, workbenches, tool lockers, and a washroom, and is used exclusively by maintenance employees in connection with their work. It is anticipated that 1 mechanic will be terminated or transferred when the mechanic on sick leave returns to work, and that he will be assigned to the shop so that 1 of the 4 will spend the majority of his time there. Maintenance employees do no production

work. They receive their orders either directly from the plant superintendent, or through 1 of the 2 general foremen in the plant.

In these circumstances the Board is of the opinion that self-determination elections should be directed for the production and maintenance employees. As the maintenance unit sought comprises all of the mechanical maintenance employees in the plant and there is no bargaining history on a broader basis, it may be an appropriate unit. In the event that a separate maintenance unit is established, a residual unit of production employees would also be appropriate. Obviously a unit of production and maintenance employees may be appropriate.

The Employer and the petitioning unions would exclude the four production department foremen or working foremen from the unit found appropriate. The Teamsters and the Pulp-Sulphite Workers would include them. The record shows that these employees have no authority to effectively recommend hire or discharge although at the inception of operations they did screen applicants for jobs during the illness of the plant superintendent; nor do they have authority to grant requests for time off. They spend approximately one-fourth of their time each day in receiving production schedules and securing supplies for their respective areas, and the balance in operating machines as replacements or for instruction purposes. Their hourly rate of pay apparently exceeds that of production employees by 10 to 20 cents an hour. On these facts we find that these employees are at most "working" foremen and not supervisors as defined in the Act. We shall consider them as production employees.

Accordingly, we shall direct elections among the following groups of employees:

1. All production employees of the Employer at its Newark, California, plant, including working foremen, but excluding mechanical maintenance employees, office clerical employees, guards, watchmen, and supervisors as defined in the Act.
2. All mechanical maintenance employees of the Employer at its Newark, California, plant, excluding all other employees and supervisors as defined in the Act.

If a majority of the employees in voting group 2 select the Operating Engineers, they will be taken to have indicated their desire to constitute a separate bargaining unit and the Regional Director conducting the election is instructed to issue a certification of representatives to the Operating Engineers for such unit, which the Board, in the circumstances, finds to be appropriate for purposes of collective bargaining. In that case, should any of the other unions achieve a majority in group 1, the Regional Director is instructed to issue a certification of representatives to the appropriate organization for that group of production employees, which the Board, in these circumstances, finds to be an appropriate unit for purposes of collective bargaining. On

the other hand, if a majority in voting group 2 do not select the Operating Engineers, that group will appropriately be included with voting group 1 and the votes pooled at face value. If any union achieves a majority of votes in the pooled group, the Regional Director is instructed to issue a certification of representatives to the labor organization receiving such majority in the pooled group of production and maintenance employees, which the Board, in such circumstances, finds to be a single unit appropriate for purposes of collective bargaining.

[Text of Direction of Elections omitted from publication.]

MEMBER MURDOCK took no part in the consideration of the above Decision and Direction of Elections.

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**Jones & Anderson Logging Company, Inc. and Darrington Independent Woodworkers Union, Petitioner.** *Case No. 19-RC-1573. November 28, 1955*

#### 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 Melton Boyd, 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 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.<sup>1</sup>

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. The Petitioner seeks to represent the logging employees of the Employer at its Darrington, Washington, operations. The Intervenor contends that the requested unit is inappropriate on the ground that the Employer is part of a multiemployer unit. The Employer agrees to the unit sought by the Petitioner and, in answer to the Intervenor, contends that: (1) The Employer has never been part of a multiemployer unit; and (2) even if the Board finds that it did bargain on such basis, it has unequivocally withdrawn therefrom.

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<sup>1</sup> International Woodworkers of America, Local Union 23-75, CIO, was permitted to intervene on the basis of its expired contract with the Employer covering the employees involved herein.