The Standard Register Company, Petitioner *and* Amalgamated Lithographers of America, Local No. 33, AFL–CIO and International Printing Pressmen & Assistants Union of North America, Dayton Printing Pressmen & Assistants' Union No. 54, AFL–CIO. *Case No. 9–RM–117. March 26, 1956*

DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Joe F. Odle, Jr., 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 employees of the Employer.

3. No 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, for the following reasons:

The Employer is engaged in the manufacture of continuous business machine forms and feeding devices. Amalgamated Lithographers of America, Local No. 33, AFL–CIO, herein called Lithographers, and International Printing Pressmen & Assistants Union of North America, Dayton Printing Pressmen & Assistants' Union No. 54, AFL–CIO, herein called Pressmen, are now, and have been for several years, the certified bargaining representatives for separate units of lithographic employees and letterpressmen, respectively. Both Unions have had contracts with the Employer covering their respective units, the latest of these expiring March 1, 1956.

About 3 weeks before the hearing in this case, which occurred on December 9, 1955, the Employer installed a new machine, known as machine No. 48. This machine is described as a "combination machine," and has 1 offset press and 2 letterpresses. The offset press is similar to those operated by the employees in the lithographic unit, and the letterpresses are similar to those operated by the employees in the letterpressmen unit. Before filing the instant petition, the Employer met jointly on several occasions with representatives of both unions, and each union demanded recognition as bargaining representative for the employees who were to operate machine No. 48. At the final meeting on November 4, 1955, in order to resolve the problem, the Employer, with the consent of the Lithographers but over the objection of the Pressmen, selected 3 operators (1 for each of the shifts) by placing in a hat slips containing names of an equal number of

employees from each of the existing units, and drawing 3 slips from the hat. Two of the names drawn were those of members of the Lithographers and one was that of a Pressmen member. The Pressmen protested the method used to resolve the problem, and on November 7, 1955, the Employer filed the instant petition.

The record shows that the letterpresses of machine No. 48 are utilized in approximately 75 to 80 percent of the jobs performed on that machine, and that the offset press is utilized in approximately 10 to 15 percent of the jobs. About 10 percent of the jobs utilize both the letterpresses and the offset presses simultaneously. Machine No. 48 is the only machine of its kind in the plant, the employees assigned as operators on this machine apparently are not separately supervised, nor are they organized administratively by the Employer as a separate department. Their working conditions and interests appear to be similar to those of the employees in the existing letterpressmen unit.

The Employer's position is that a unit consisting of the operators of machine No. 48, excluding all other employees, is appropriate. The Lithographers agree that the unit is appropriate and urge an election with both unions on the ballot in which the three employees in question would decide whether they wish to be represented as part of the Lithographers' unit or as part of the Pressmen's unit. The Pressmen urges the dismissal of the petition on the ground that the three employees sought in the petition do not constitute an appropriate unit, either on a craft, departmental, or other basis. The Pressmen takes the further position that if the Board decides not to dismiss the petition, an election should be directed in a unit of all letterpress employees, including the three who operate machine No. 48.

The Board has carefully considered the positions of the parties, and the entire record in this case, and finds merit in the primary contention of the Pressmen that the unit described in the petition, which is limited to the three employees operating machine No. 48, is inappropriate. It seems clear from the record that the three employees who operate this press do not constitute a departmental unit and that the proposed unit does not stem from any organizational or operational requirements of the Employer. Nor do the three employees who operate machine No. 48 constitute by themselves a separate grouping of employees engaged in craft or highly skilled work apart from the other employees engaged in similar work. As already indicated, approximately 75 to 80 percent of the jobs performed on that machine utilize letterpresses and only a minor portion of the jobs performed on it utilize the offset press. In a recent decision,[1] the Board found that where a press was predominantly lithographic and only partly letterpress, the employees working on that press were to be deemed as engaged in the litho-

[1] *Holden Business Forms Company*, 114 NLRB 668.

graphic process. In the instant case, the reverse situation is present. Machine No. 48 is predominantly letterpress in nature, and the employees who operate the machine can therefore be deemed to be engaged in letterpress work. Under the circumstances, the Board finds that the employees in question constitute only a segment of the employees engaged in letterpress operations, and do not by themselves, under established Board policy, constitute an appropriate unit.

Accordingly, as the unit described in the petition is inappropriate, we shall dismiss the petition.

[The Board dismissed the petition.]

John Deere Plow Works of Deere & Company *and* District No. 102, International Association of Machinists, AFL–CIO, Petitioner.
Case No. 13–RC–4783. March 26, 1956

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 Raymond A. Jacobson, 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.[1]

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 for the following reasons:

The UE moved to dismiss the petition on the ground of contract bar. The Petitioner contends that the contract is inoperative as a bar on the ground that a schism occurred in the contracting union rendering it defunct. The UE denies the existence of a schism. The Employer and UAW take no position on the contract-bar issue.

On August 5, 1955, the Employer and Local 150, which was then the recognized bargaining representative of the employees involved herein at the Employer's Moline, Illinois, plant, entered into a contract covering these employees for a 3-year term, to expire August 1, 1958. An International UE representative was a signatory to the contract. As the instant petition was filed early in the term of this con-

[1] United Electrical, Radio and Machine Workers of America, UE, and its Local 150, herein referred to collectively as UE and individually as the International UE and Local 150, intervened on the basis of contractual interest United Automobile Workers, AFL–CIO, herein called UAW, also intervened on the basis of a showing of interest.