

**Whippany Paper Board Company, Inc. and Local 68, International Union of Operating Engineers, AFL-CIO, Petitioner.**  
*Cases Nos. 22-RC-10 and 22-RC-18. February 13, 1958*

**DECISION AND DIRECTION OF ELECTIONS**

Upon petitions duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Clement P. Cull, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Rodgers, Bean, and Jenkins].

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.

3. A question affecting commerce exists concerning the representation of the 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 sever from existing units of production and maintenance employees a single unit of licensed engineers and firemen employed in the powerhouses at the Employer's four plants. The Petitioner has taken various alternate positions which include a single unit of all powerhouse employees, whether licensed or unlicensed, and separate plantwide units of some or all powerhouse employees. The Employer and the Intervenor (United Papermakers and Paperworkers, AFL-CIO, and its Locals 297, 300, and 301) oppose severance on any basis for the reason that for several years these parties have been bargaining for all powerhouse employees as part of the production and maintenance units. The Employer and the Intervenor contend, however, that any severance of powerhouse employees permitted by the Board should include all such employees, whether licensed or unlicensed, and should be coextensive in scope with the past bargaining history of the production and maintenance employees.

The Employer is engaged in manufacturing paper board at 4 plants, 3 of which are located in Whippany, New Jersey, with the remaining plant located in Clifton, New Jersey. The three plants in Whippany are known as the Hanover, Stony Brook, and Eden plants. The Clifton plant is at least 20 miles from the 3 other plants, which in turn are located about 1 mile from each other. Among all four plants, each of which has a powerhouse, the only interchange of any employees

occurs between the Stony Brook and Eden employees. For many years, a series of 3 separate bargaining contracts have existed between the Employer and the Intervenor covering 3 separate units of production and maintenance employees, including all powerhouse employees: 1 unit for the Clifton employees, 1 for the Hanover employees, and 1 for the combined Stony Brook and Eden employees.

All powerhouse employees in each of the plants are under separate supervision and are located apart from the main production areas. Their primary function is to operate and maintain boilers and other equipment necessary for the production of steam and power. In addition to licensed engineers and firemen, the powerhouses also have water treat employees, ash and coal handlers, and millwrights,<sup>1</sup> all of whom are under the same supervision at each powerhouse and all of whom perform powerhouse duties. As the Board's establishment of powerhouse units is not based on a showing of craft skills, but rather upon a showing that they comprise functionally distinct departments, such as here, we shall include all powerhouse employees in the voting groups hereinafter found appropriate. As the Petitioner is a union which traditionally represents powerhouse employees and as the Board customarily permits the severance of such groupings from existing production and maintenance units, we find that the powerhouse employees may, if they so desire, constitute separate appropriate units.<sup>2</sup>

In view of the past bargaining history among the Employer's production and maintenance employees on a three-unit basis and the lack of interchange of employees among these units, we find that the severance of powerhouse employees should be coextensive therewith.<sup>3</sup>

Accordingly, we shall direct separate elections in the following voting groups of employees, excluding all other employees, office clerical employees, professional employees, guards, and supervisors as defined in the Act:

(a) All powerhouse employees at the Employer's Clifton, New Jersey, plant.

(b) All powerhouse employees at the Employer's Hanover plant located at Whippany, New Jersey.

(c) All powerhouse employees at the Employer's Stony Brook and Eden plants located in Whippany, New Jersey.

We shall make no final unit determination at this time, but shall be guided in part by the desires of the employees as expressed in the elections hereinafter directed. If a majority of employees in any

<sup>1</sup>The Employer has other millwrights who perform general plant maintenance duties and are included in the established production and maintenance units.

<sup>2</sup>*North American Aviation, Inc.*, 115 NLRB 1090, 1094-5; *American Potash and Chemical Corp.*, 107 NLRB 1418.

<sup>3</sup>*North American Aviation, Inc.*, 113 NLRB 1049, 1050-51; cf. *St. Regis Paper Company*, 105 NLRB 371, 372.

voting group votes for the Petitioner, they will be taken to have indicated a desire to constitute a separate bargaining unit, and the Regional Director conducting the elections herein is instructed to issue as to each group a certification of representatives to the Petitioner. In the event a majority of employees in any voting group votes for the Intervenor, the Board finds their inclusion in the respective, existing production and maintenance units to be appropriate and the Regional Director will issue a certification of results of election, as to each group, to such effect.

[Text of Direction of Elections omitted from publication.]

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**Mixermobile Manufacturers, Inc. and Local No. 11, Office Employees International Union, AFL-CIO, Petitioner. Case No. 36-RC-1304. February 13, 1958**

### DECISION AND DIRECTION OF ELECTIONS

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before E. G. Strumpf, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Rodgers, Bean, and Jenkins].

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 organization involved claims to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer.

4. Petitioner originally sought a unit of all office and clerical employees. At the hearing, Petitioner stated as its alternative position that it would represent a residual unit of all "time-clock" employees<sup>1</sup> not represented by any other labor organization, or any unit which the Board finds appropriate. The Employer's position is that the only appropriate unit is one consisting of clerical employees housed in the main office of one of its buildings.

The Employer is engaged in the manufacture of mobile cement mixers in Portland, Oregon, where its plant consists of several build-

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<sup>1</sup> As the record fails to show which employees, if any, are currently represented by any bargaining agent we find no basis for considering the Petitioner's alternative residual unit.