

with the Employer, when physically able to return. However, whatever Pipkin's status under the contract before April 30, he was included in the general layoff of April 30 and, as found by the Regional Director, "is in the same category as the other employees laid off on April 30" In these circumstances, it appears that Pipkin had no reasonable expectancy of recall in the near future as of the time of the election, and we shall therefore sustain the challenge to his ballot<sup>6</sup>

2 The ballot of Michael A. Gallegos was challenged by the Petitioner on the ground that Gallegos was a clerical employee The investigation disclosed that he is a truckdriver, and the Regional Director therefore recommended that the challenge to his ballot be overruled<sup>7</sup> No exception was taken to this recommendation Accordingly, we shall overrule the challenge to this ballot and direct that it be opened and counted.

[The Board directed that the Regional Director for the Twenty-first Region shall, pursuant to National Labor Relations Board Rules and Regulations, and within ten (10) days from the date of this Direction, open and count the ballot of Michael A Gallegos and serve upon the parties a supplemental tally of ballots, including therein the count of the challenged ballot ]

<sup>6</sup> A motion for consideration of current supporting evidence to exceptions to report on challenged ballots filed by the Intervenor on July 28, 1958, concerns alleged recent occurrences which, even if assumed to be true, do not warrant a different finding herein in the cases of the five employees in question See *Personal Products Corporation*, 116 NLEB 393 footnote 11

<sup>7</sup> Truckdrivers are included in the appropriate unit in this case

**Advertisers Associates, Inc. and Amalgamated Lithographers of America, Local 24, AFL-CIO, Petitioner. Case No 6-RC-2032. September 4, 1958**

### SUPPLEMENTAL DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a Decision and Direction of Election issued by the Board herein on April 2, 1958,<sup>1</sup> the Regional Director for the Sixth Region conducted an election by secret ballot on April 22, 1958, among the employees in the unit heretofore found appropriate Upon the conclusion of the election, the parties were furnished with a tally of ballots The tally shows that of approximately 15 eligible voters, 15 cast ballots, of which 5 were for the Petitioner, 3 were against the Petitioner, and 7 were challenged

As the challenged ballots were sufficient in number to affect the results of the election, the Regional Director investigated them and

<sup>1</sup> Not published

on July 11, 1958, issued and duly served on the parties a report on challenged ballots in which he found that the challenges to the ballots of six voters should be sustained and that the remaining challenge could best be resolved through a formal hearing in the event that the resolution of this challenge should appear necessary. Thereafter, the Employer filed timely exceptions to the Regional Director's report, and the Petitioner, with permission of the Board, filed a reply to the exceptions. Subsequently, the Employer, with permission of the Board, filed a reply to the Petitioner's reply brief.

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

The Board has considered the Regional Director's report, the exceptions, the briefs, and the entire record in this case, and hereby adopts the findings and recommendations of the Regional Director.

The Petitioner challenged the ballots of 5 employees—composition paper-plate makers Coletta Heldorfer, Anna Kristone, and Catherine Racke, papercutter and folding machine operator Francis Bell, and multigraph operator Paul Paulson—on the ground that they are excluded from the lithographic production unit found appropriate by the Board. The Regional Director recommended sustaining these challenges. The Employer excepts.

Two of the three composition paper-plate makers, Heldorfer and Kristone, operate standard IBM electric typewriters. They spend approximately 80 percent of their time typing directly onto a so-called paper plate, also referred to as multilith mat, and proofreading the typed copy. These paper plates are then reproduced on the multilith machine. The remainder of these employees' work consists of typing on specially prepared paper which is subsequently processed through the photographic section. Employee Racke operates a so-called auto-type IBM typewriter. Her work is not duplicated or processed in the lithograph department. Twenty percent of her time is spent in helping the two other girls in their work. On the payroll list submitted by the Employer prior to the representation hearing these three employees were classified as typists. In agreement with the Regional Director, we find that these employees are essentially typists. As the unit herein was limited to lithographic production employees, we find that they are excluded therefrom and hereby sustain the challenges to their ballots.<sup>2</sup>

The Employer also excepts to the Regional Director's findings that employees Francis Bell and Paul Paulson are not included in the lithographic production unit.

<sup>2</sup> *Josten Manufacturing Company, et al.*, 101 NLRB 189, 191; *Padgett Printing and Lithographing Company*, 101 NLRB 144, 147.

Bell is classified as a papercutter and folding machine operator. He spends most of his time operating this equipment. In addition, he works in the stockroom and occasionally operates an addressograph machine. On rare occasions he also performs opaquing work. We find that Bell is essentially a papercutter and is excluded from the unit.<sup>3</sup>

Employee Paulson operated a multilith machine from March 1 to November 1, 1957. After a period of hospitalization, he returned to the plant on December 10, 1957, and since that time has operated a multigraph machine. The Employer contends that Paulson is being trained on the multigraph machine so as to be able eventually to run a so-called tandem multilith-multigraph machine. This machine has not as yet been put into operation, nor has Paulson received any training on the machine itself. We find that Paulson is a multigraph operator and excluded from the unit on the basis of his present duties.<sup>4</sup> Accordingly, we sustain the challenges to the ballots of Bell and Paulson.

The Regional Director recommended sustaining the challenge of the Employer to the ballot of James R. Deily on the ground that he works in the shipping and receiving operations. As no exceptions have been taken to this recommendation, we hereby sustain the challenge to this ballot.

The Petitioner challenged the ballot of Henry Czapinski on the ground that he is a supervisor. The Regional Director found that, because of evidence presented during the investigation, Czapinski's status could best be resolved at a hearing. The Employer excepts to this finding. In view of our disposition of the other challenges, the challenged ballot of Czapinski cannot affect the results of the election. Accordingly, we find it unnecessary to determine the validity of Czapinski's vote at a hearing or otherwise.

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

[The Board certified Amalgamated Lithographers of America, Local 24, AFL-CIO, as the designated collective-bargaining representative of all the lithographic production employees at the Employer's Pittsburgh, Pennsylvania, plant, in the unit heretofore found appropriate.]

<sup>3</sup> *St. Louis Lithographing Company*, 114 NLRB 24.

<sup>4</sup> *Plankinton Packing Company (Division of Swift & Co.)*, 116 NLRB 1225, 1229.