

Weyerhaeuser Company and Amalgamated Lithographers of America, Local 22¹ and Printing Specialties & Paper Products, Joint Council No. 2, AFL-CIO, sub to International Printing Pressmen & Assistants' Union of North America,² Petitioners. Cases Nos. 21-RC-6274 and 21-RC-6388. December 21, 1960

DECISION AND DIRECTION OF ELECTIONS

Upon petitions duly filed under Section 9(c) of the National Labor Relations Act a consolidated hearing was held before Gerry L. Fellman, 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 [Chairman Leedom and Members Fanning and Kimball].

Upon the entire record in this case,³ 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 employees of the Employer within the meaning of Section 9(c) (1) and Section 2(6) and (7) of the Act.

4. Lithographers seeks to represent separately a unit of lithographic production employees at the Employer's La Puente, California, plant. Pressmen seeks to represent all employees of the Employer, but will accept a unit of all employees, excluding employees sought by Lithographers. The Employer contends that only a plantwide unit is appropriate. There is no history of collective bargaining for any employees of the Employer.

The Employer is engaged in the manufacture of folding paper boxes. It decorates its manufactured products by a letterpress operation and by a lithographic process. Pressmen and the Employer contend that a unit of lithographic production employees is inappropriate because of (1) the highly integrated operations of the plant, (2) the promotion of employees into lithographic jobs within the plant, and (3) the regular and substantial interchange of employees between the lithographic processes and nonlithographic processes. The record establishes that, when both lithopresses are not running, an infrequent

¹ The Petitioner in Case No. 21-RC-6274 is hereinafter called Lithographers

² The Petitioner in Case No. 21-RC-6388 is hereinafter called Pressmen

³ The Employer's request for oral argument is denied as the record, including briefs, adequately presents the issues and positions of the parties.

occasion, lithofeeders and tenders, regularly assigned to the lithographic crew in the lithographic department, assist the nonlitho feeders and tenders; that at irregular times when both presses are running nonlithographic employees assist lithofeeders and tenders in their work on the lithographic process. The average time the lithofeeders and tenders spend on nonlitho feeding and tending⁴ has represented some 15 percent of their total time, while the corresponding time nonlitho employees have spent in assisting lithofeeders and tenders has been substantially less. Further, the other employees in the line of progression in the lithographic crew are not interchanged with nonlithographic employees. Although members of the lithographic crew are not hired from outside the plant and there is no apprenticeship program, the Employer has an on-the-job training program which lasts on an average approximately 4 years, the line of progression running from the foregoing lithofeeders and tenders to third, second, and first lithopressmen. All these employees, who are sought by Lithographers, including the lithopress operators who perform the usual duties and exercise the customary skills used in the traditional lithographic process, have separate supervision and special badge and clock designations. The record is clear that lithographic and nonlithographic operations of the Employer are not highly integrated and that lithopress operators and letterpress operators are not interchanged, thereby pointing to the appropriateness of a separate lithographic unit.⁵ The Board has held in a comparable unit controversy that lithographic employees constitute a separate appropriate unit from other employees, and the courts have sustained this determination.⁶ The Board has also held that a plantwide unit is appropriate. Accordingly, we find that the employees sought by Lithographers, including the lithofeeders and tenders regularly assigned to and who work the predominant amount of their time in the lithographic crew, may constitute a separate unit. As a plantwide unit is presumptively appropriate, we also find that a plantwide unit may be appropriate. We shall not, however, make any final unit determination at this time but shall ascertain the desires of employees as expressed in the elections herein-after directed.

We shall direct that separate elections be held among the following voting groups of employees at the Employer's La Puente, California,

⁴ The nonlitho feeding and tending consists of feeding and tending the letterpress and cutting press, which services both lithopress and letterpress work, and other work, including finishing, which involves bringing of materials into position for processing and then removing them.

⁵ Because of our finding herein, we reject the Employer's further contention that establishment of a separate lithograph unit is precluded by *NLRB v. Pittsburgh Plate Glass Company*, 270 F. 2d 167 (C.A. 4), cert denied 361 U.S. 943. The identical contention was raised by the same Employer in a comparable situation in another folding box plant and was rejected by the Court of Appeals for the Seventh Circuit, *infra*, footnote 6.

⁶ See, for example, *NLRB v. Weyerhaeuser Company*, 276 F. 2d 865 (C.A. 7); *Sutherland Paper Company*, 122 NLRB 1284, 1286.

plant, excluding from each group office clerical employees, guards, and supervisors as defined in the Act.

(1) All lithographic production employees including lithopress operators, lithofeeders and tenders, but excluding all others;

(2) All production and maintenance employees.

5. If the employees in the lithographic voting group vote for Lithographers they will be taken to have voted for separate representation and the Regional Director conducting the election is instructed to issue a certification of Lithographers for a separate unit of lithographic production employees which the Board, in these circumstances, finds to be appropriate for the purpose of collective bargaining. And, in that event, should a majority of the employees in the production and maintenance voting group select a bargaining representative, the Regional Director is instructed to issue a certification of representatives to such bargaining representative for a unit of production and maintenance employees excluding lithographic production employees, which the Board, in these circumstances, finds to be appropriate for purposes of collective bargaining. On the other hand, if a majority in the lithographic voting group do not select Lithographers, the ballots of the employees in the lithographers voting group will be pooled with those of the employees in the production and maintenance voting group.⁷ If the employees in the pooled group select a bargaining representative, the Regional Director is instructed to issue a certification of representatives to such bargaining representative for a unit of production and maintenance employees, including lithographic production employees, which the Board in such circumstances finds to be an appropriate unit for the purposes of collective bargaining.

[Text of Direction of Elections omitted from publication.]

⁷ If the votes are pooled, they shall be tallied in the following manner. The votes for the Lithographers shall be counted as *valid* votes, but neither for nor against Pressmen; all other votes are to be accorded their face value whether for or against representation by Pressmen.

Safeway Stores, Incorporated and Retail Clerks International Association, Local No. 1434, AFL-CIO, Petitioner. Case No. 20-RC-4293. December 22, 1960

SUPPLEMENTAL DECISION, ORDER, CERTIFICATION OF REPRESENTATIVES, AND DIRECTION OF ELECTION

On August 29, 1960, the Board issued its Decision and Direction of Election herein,¹ finding appropriate a unit of "all employees at the Employer's Babbitt, Nevada, retail store, including regular part-

¹ Not published in NLRB volumes.