

On the basis of the foregoing, we find that the six-company multi-employer unit urged by the Employer, the Intervenor, and the Petitioner in its statement of amended position is appropriate and, therefore, that the Petitioner's original alternative requests for a three-company unit or three separate units are inappropriate.

Accordingly, we find that the following employees constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All inside shop production employees,⁶ including delivery truck-drivers,⁷ at the California plants of Atlas Shower Door Co. in Sacramento, Distribudor Inc. d/b/a Basco-Sacramento in Sacramento, Sacramento Shower Door Co. in Sacramento, Golden State Shower Door Co. in Oakland, Fresno Shower Door Co. in Fresno, and Associated Shower Door in San Carlos, excluding outside installers, office clerical employees, salesmen, shop managers, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

MEMBER FANNING, dissenting:

I disagree with the majority finding that the union-security provision exceeded the bounds of permissible union security. In accordance with my position in *Chun King Sales, Inc.*, 126 NLRB 851, footnote 6, I would find the union-security clause herein lawful and the contract a bar. Accordingly, I would dismiss the petition.

⁶ We are administratively advised that none of the six companies herein involved has inside maintenance employees. In such circumstances we approve the instant unit of "inside shop production employees."

⁷ The record is silent as to truckdrivers except with regard to one company which utilizes common carriers' and occasionally has production employees drive trucks.

Shumate, Incorporated and Amalgamated Lithographers of America, Local 23, Petitioner. *Case No. 25-RC-1941. April 12, 1961*

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 Henry J. Winters, 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, Leedom, and Fanning].

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 within the meaning of Section 9(c) (1) and Section 2(6) and (7) of the Act.

4. The Petitioner seeks to represent all lithographic production employees at the Employer's plant located at 1500 West South Street, Lebanon, Indiana. The Employer is engaged in the manufacture of business forms produced by both letterpress and offset processes. The Employer contends that only a plantwide production and maintenance unit is appropriate. There is no history of collective bargaining for any employees of the Employer.

The Petitioner contends that the employees engaged in the operations of lithocomposer, stripper, camera operator, platemaker, lithopressman, rotary pressman, and helpers comprise a traditional lithographer's unit. The Employer contends, however, that common supervision and physical proximity of lithographic and nonlithographic employees, the high degree of integration of its operations, and the interchange of its employees between lithographic and nonlithographic functions¹ require a finding that only a plantwide production and maintenance unit is appropriate.

While the Employer asserts that it is common practice for employees in the sheet-fed department to work on both letterpresses and offset presses, it appears clear, from the record as a whole, that there is very little, if any, interchange between the lithopress and the letterpress operations; and the Employer admits that employees in the following classifications spend their time normally or primarily working on lithographic functions in the plant: lithocomposer, stripper, camera operator, platemaker, lithopressman A, lithopressman B, lithopressman C, rotary pressman A, rotary pressman B, rotary pressman C, rotary pressman helper, and roll warehouseman. Employees in the foregoing classifications utilize the standard lithographic equipment,² perform the usual duties,³ and exercise the customary

¹ We note that Employer's Exhibit No. 12, which purports to show typical examples of interchange, covers a period of time extending back more than 8 years. However, it does not show the regular and continuous interchange of employees present in *Pacific Press, Inc.*, 66 NLRB 458. See *McCall Corporation*, 118 NLRB 1332, 1334.

² Employees in the rotary pressman classifications operate one or more presses which utilize both the offset and letterpress principles. Thus, the three-color Webendorfer has three offset units and two letterpress units; the two-color Webendorfer has two offset units and two letterpress units; the one-color Webendorfer has one offset unit and one letterpress unit; and the three-color Hamilton has three offset units and two letterpress units. The letterpress units of these presses are used primarily for numbering and marginal printing. The Board has considered combination presses such as these and has found them to be primarily lithographic in nature. Consequently, we find that employees operating these presses are engaged primarily in the lithographic process. See *Holden Business Forms Company*, 114 NLRB 668.

³ As the record does not indicate that the job of roll warehouseman encompasses duties other than supplying rolls of paper to the rotary pressmen, it appears that it relates to the lithographic operations. We therefore include that classification in the unit. See *Continental Can Company, Inc.*, 119 NLRB 1851, 1855.

lithographic skills. The Board has repeatedly held that employees engaged in the lithographic process, such as that involved here, form a cohesive unit appropriate for purposes of collective bargaining.⁴

The Employer also contends that the decision of the Court of Appeals for the Fourth Circuit in *Pittsburgh Plate Glass*,⁵ precludes the Board from finding a unit less extensive than a plantwide unit in view of the high degree of integration of its operations. Aside from the fact that the instant case unlike the cited case does not involve severance, the Board has decided with all due respect to the opinion of the court in that case, to adhere to its decision in *American Potash and Chemical Corporation*.⁶ Moreover, we find the degree of integration in the instant case to be comparable to that found in other cases in which we have established a lithographic production unit.⁷

In view of the foregoing, we find the unit sought by the Petitioner, including the roll warehouseman, to be an appropriate unit for purposes of collective bargaining within the meaning of the National Labor Relations Act, as amended. Accordingly, we shall direct an election among all lithographic production employees at the Employer's Lebanon, Indiana, plant including lithocomposers, strippers, camera operators, platemakers, lithopressmen, rotary pressmen, rotary pressman helpers, and roll warehousemen, excluding all other employees, professional employees, guards, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

⁴ *Ad-Press Corporation*, 119 NLRB 564; *McOall Corporation*, 118 NLRB 1332; *Holden Business Forms Company*, *supra*.

⁵ *N.L.R.B. v. Pittsburgh Plate Glass Company*, 270 F. 2d 167 (C.A. 4), cert. denied 361 U.S. 943.

⁶ Moreover, the doctrine in this case is not strictly applicable to the instant case as the unit sought here is neither a craft nor a departmental unit within the meaning of this case.

⁷ See, for example, *Ace Folding Box Corporation*, 124 NLRB 23; *N.L.R.B. v. Weyerhaeuser Company, successor to Ace Folding Box Corporation*, 276 F. 2d 865 (C.A. 7).

**General Electric Company and Kentucky Skilled Craft Guild,
Petitioner. Case No. 9-RC-3463. April 12, 1961**

SUPPLEMENTAL DECISION AND CLARIFICATION OF CERTIFICATION

On December 14, 1959, the Board issued its Decision and Direction of Election¹ in the above-entitled proceeding in which it found that a group of tool and die mold makers, leadmen, and apprentices "specializing" in tool- and die-making could be severed from the existing

¹ 125 NLRB 718.

131 NLRB No. 19.