

Weyerhaeuser Company¹ and International Brotherhood of Pulp, Sulphite and Paper Mill Workers, AFL-CIO, Petitioner. Case No. 11-RC-1450. July 11, 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 Jerry B. Stone, 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 McCulloch and Members Rodgers and Leedom].

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 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 a unit of production and maintenance employees at the Employer's Turner Avenue and Hovis Road plants in Charlotte, North Carolina. The Employer contends that separate units at each of the plants is appropriate. The Intervenor, United Papermakers & Paperworkers, AFL-CIO, agrees with the Petitioner's position.

The Employer is engaged in the manufacture and sale of paper boxes. It employs approximately 120 employees in its folding carton division and approximately 170 in its shipping container division. Prior to February 1961, the Employer had one plant which housed both divisions. Since then, it has almost completely relocated the shipping container division in a new plant 3 miles away, but the shipping container plant manager and 20 percent of the employees in that division are still working in the old plant.

There are factors which tend to support the appropriateness of separate plant units urged by the Employer. Thus, the divisions attempt to operate as separate units. Each plant keeps its own bookkeeping records and does its own hiring of employees. In addition, each division has its own supervisors.

On the other hand, both plants utilize production and maintenance employees of the same job classifications at similar wages and with equal fringe benefits. The plants are presently near one another and

¹The name of the Employer appears as amended at the hearing.

the Employer has informed folding carton division employees that they will be moved to a new plant on the same site as the shipping container division within 18 months. Whenever necessary, folding carton division employees have been temporarily transferred to the shipping container division. In view of the common interest shared by employees in both plants, and the fact that no labor organization seeks to represent employees of the two divisions separately, we find that a single unit is appropriate.²

Although the parties are agreed upon the general appropriateness of a production and maintenance unit, the unit placement of certain categories is in dispute. The Petitioner and the Intervenor would exclude the following categories of employees, whereas the Employer would either include them or leave their disposition to the Board.

In the folding carton division: expediter, estimators, production clerk, timekeepers, mailman, draftsman, samplemaker, shipping clerk, watchman, and foremen.

In the shipping container division: timekeeper, payroll clerk, factory order clerk, factory order clerk trainee, expediter, cost clerk, statistical clerk, sales service clerk, production planning clerk, truck schedule and receiving clerk, samplemaker, quality control inspectors, assistant to the director of quality control, and foremen.

Expediters follow the progress of the paper products through the production line. They spend 40 to 60 percent of their time in the plant and keep the sales department informed as to the status of customer orders.³

The production clerk and the timekeepers work in the plant office. The former picks up the production data from plant machines; the latter timecards and other related data.⁴ The mailman picks up mail and packages around the plant. His mailroom is located in the plant and he is supervised by the maintenance foreman. He also runs errands in emergencies.⁵

The factory order clerk and the factory order clerk trainee work in the plant office. They transcribe incoming sales orders to forms to facilitate production. They report to the plant manager but spend little time in the plant area.

The truck schedule and receiving clerk schedules the movement of trucks in both plants and receives incoming material which he often handles himself. He has a small office in the receiving dock but spends less than 50 percent of his time there. He has no supervisory status.

We find that the employees in the above job classifications are plant clerical employees. Accordingly, we shall include them in the unit.

² *McAllister's Dairy Farms, Inc.*, 118 NLRB 1117.

³ *Westinghouse Air Brake Company*, 119 NLRB 1391, 1394.

⁴ *Wm. R. Whittaker Co., Ltd.*, 117 NLRB 339, 344.

⁵ *Brighton Mills, Inc.*, 97 NLRB 774

The estimator, and his counterpart in the shipping container division, the sales service clerk, work in the general office under the supervision of the office manager. They calculate labor and material costs to determine a selling price for the manufactured products of each division.⁶

The payroll clerk works in the plant office and spends some time in the plant area picking up data. However, he is on the general office payroll and reports to the office manager.⁷ The cost clerk and statistical clerk both work under the direction of the office manager although the cost clerk has his office in the plant. The former uses production statistics to establish cost standards which are used in arriving at efficiency ratings; the latter gathers information on production and outgoing shipments.⁸

The production planning clerk works in and around the plant but reports to the office manager. He helps plan the rate of production and goods to be produced, and submits reports to the plant manager.⁹

We find that the employees in the above job classifications are office clerical employees. We shall exclude them from the unit.

The draftsman works in the general office under the supervision of the sales service manager. He takes approved drawings and makes drafts of great intricacy. We find that he is a technical employee. We shall exclude him.¹⁰

Samplemakers are supervised in part by the plant manager and in part by the sales service manager. They make samples of production items for submission to the Employer's customers. The record does not indicate that they have any technical education or background. We find that the samplemakers¹¹ are not technical employees. We shall include them.

Quality control inspectors spend most of their time in the laboratory, performing standard tests of an elementary nature to determine the physical strength and quality of the raw materials. At other times they inspect in the plant. A high school education is sufficient background for their work. They exercise no supervisory duties. The assistant to the director of quality control travels in his work and has duties in two other plants in addition to the Charlotte plants. He does some on-the-spot inspecting and some testing in the laboratory. He exercises no authority over any of the employees. We find that neither the quality control inspectors¹² nor the assistant to the director of quality control are technical employees or supervisors within the meaning of the Act. However, because the latter's presence in the Charlotte plants is intermittent, we find that his interests are not the same as

⁶ *Wm. R. Whittaker Co., Ltd.*, *supra*, p 342.

⁷ *Wonderkmit Corporation*, 123 NLRB 53

⁸ *Barnhardt Manufacturing Company*, 103 NLRB 261.

⁹ *Northrop Aircraft, Inc.*, 110 NLRB 1349

¹⁰ *Litton Industries of Maryland, Incorporated*, 125 NLRB 722.

¹¹ *Mead-Atlanta Paper Company*, 123 NLRB 306.

¹² *United States Gypsum Company*, 117 NLRB 1677, 1680.

those of the other employees. Accordingly, we shall include only the quality control inspectors in the unit.

The foremen in the printing, cutting, dyeing, glueing, and maintenance departments in the folding carton division, and the foremen in the printing, finishing, shipping, and maintenance departments in the shipping container division all have the same degree of authority. They assign men to work, change them from one job to another and reprimand employees for unsafe work or violation of company rules. They attend the regular meetings of supervisors. They possess no authority to hire or discharge employees, but their various recommendations concerning the status of subordinates are given much weight by the Employer. Their production work is usually confined to setting up the machines which the other employees will use. We find that the foremen are supervisors within the meaning of the Act.¹³ We shall exclude them. As the record is inadequate to determine the supervisory status of the shipping clerk, we shall permit him to vote subject to challenge.

The watchman keeps unauthorized persons out of the plant. He wears a uniform, carries a gun, and protects the Employer's property from theft. We find that he is a guard. We shall exclude him.¹⁴

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

All production and maintenance employees at the Employer's Turner Avenue and Hovis Road plants in Charlotte, North Carolina, including expeditors, timekeepers, production clerks, mailmen, samplemakers, truck schedule and receiving clerks, quality control inspectors, factory order clerks and factory order clerk trainees, but excluding estimators, sales service clerks, draftsmen, payroll clerks, cost clerks, statistical clerks, production planning clerks, the assistant to the director of quality control, office clerical employees, salesmen, professional employees, watchmen, guards, foremen, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

¹³ *Beneke Corporation*, 109 NLRB 1191.

¹⁴ *Ertel Manufacturing Corp.*, 118 NLRB 1338.

Ampruf Paint Company, Inc. and Steel, Paperhouse & Chemical Drivers & Helpers, Local No. 578, and Paint Makers Local 1232, AFL-CIO. *Case No. 21-CA-4099. July 12, 1961*

DECISION AND ORDER

On February 28, 1961, Trial Examiner David F. Doyle issued his Intermediate Report in the above-entitled proceeding, finding that the 132 NLRB No. 6.