

**The Bakersfield Californian, Petitioner and Bakersfield Newspaper Guild Local 202, American Newspaper Guild, AFL-CIO, Petitioner, and Bakersfield Typographical Union No. 439, International Typographical Union, AFL-CIO, Petitioner.** *Cases Nos. 21-RM-1157, 21-RC-9383, and 21-RC-9390. June 16, 1965*

### DECISION, ORDER, AND DIRECTION OF ELECTIONS

Upon petitions duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held on March 5, 1965, before Hearing Officer Barton W. Robertson. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. Both the Employer and the Union filed briefs.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Members Fanning, Brown, 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 certain employees of the Employer within the meaning of Section 9(c) (1) and Section 2(6) and (7) of the Act.

4. The Employer, a publisher of a daily and Sunday newspaper in Bakersfield, California, filed a petition (Case No. 21-RM-1157), covering a unit of all its unrepresented employees consisting of office employees, circulation office employees, advertising department employees, dispatching department employees, service and maintenance employees, and mailroom employees. The Bakersfield Typographical Union No. 439, hereinafter called the ITU, petitioned for a unit of all mailroom employees, excluding all others (Case No. 21-RC-9390), and the Bakersfield Newspaper Guild Local 202, hereinafter called the Guild, petitioned for the same unit set forth by the Employer, but excluding the mailroom employees (Case No. 21-RC-9383). All other employees are presently represented by various labor organizations.

The mailroom unit requested by ITU is a separately located department under the direction and supervision of the mailroom foreman. There are approximately 12 regular and 15 part-time employees in the mailroom. Their hours differ from and are shorter than those of other

employees, and they do not receive many of the benefits of regular full-time employees in other departments. All employees in the mailroom do similar work. They receive the newspapers from the presses by means of a conveyor and, except for those designated for street sale, individually roll and insert each paper into an automatic tying machine. When the weather is inclement, the papers are also wrapped with a protective wax paper cover. Papers which are distributed by mail are individually addressed by mailroom employees operating an addressograph machine. The papers designated for subscriber distribution by motorized carrier are stacked and bundled, and the bundles are tied by hand. These bundles are then loaded into automobiles for delivery by carriers and their helpers. In preparing for delivery, the carriers and outside helpers, who are supervised by the circulation manager and are represented in a separate unit by the Guild, also perform some functions in the mailroom. On holidays the mailroom employees also handle the otherwise unattended circulation desk.

Mailroom employees in the newspaper industry are a well-defined functionally distinct group who have been traditionally represented on a separate departmental basis by the ITU or the International Mailer's Union.<sup>1</sup> The Board has consistently recognized that such mailroom employees have a special community of interest and may constitute a separately appropriate unit.<sup>2</sup> There is here no history of collective bargaining which conflicts with the separate unit request. Rather, the mailroom employees involved herein have been excluded for the existing unit covering the carriers and helpers with whom they are most directly associated, and the Guild which represents that unit does not seek to represent them either as part of the carriers unit or as part of the unrepresented nonmechanical unit presently requested by it. Further, as is evident from the foregoing, the mailroom employees are functionally identifiable and have separate interests. The fact that outside helpers and carriers also do some work in the mailroom does not destroy that traditional basis for a separate mailroom unit. Accordingly, we find appropriate, for purposes of collective bargaining within the meaning of Section 9(b) of the Act, separate units of employees at the Employer's Bakersfield, California, plant, as follows:

- (a) Case 21-RC-9383: All unrepresented employees of the circulation office, advertising department, dispatching department, service and maintenance employees, and office employees, but excluding mailroom employees, guards, and supervisors as defined in the Act.

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<sup>1</sup> See *Dow Jones & Company, Inc.*, 142 NLRB 421, footnote 5, *The Jacksonville Journal Company*, 116 NLRB 1136

<sup>2</sup> See *The Evening News Association, d/b/a Detroit News, et al.*, 119 NLRB 345; *Evening News Publishing Company*, 93 NLRB 1355

(b) Case No. 21-RC-9390: All mailroom employees, including those working regular part time, but excluding guards and supervisors as defined in the Act.

As no union is seeking the unit advanced by the Employer and we have found the separate units petitioned for by the respective unions appropriate, we shall dismiss the Employer's petition in Case No. 21-RM-1157.

[The Board dismissed the petition in Case No. 21-RM-1157.]

[Text of Direction of Elections omitted from publication.]

