

Cone Mills Corporation, Carlisle Finishing Company Plant and Machine Printers & Engravers Association of the United States, Petitioner. Case 11-RC-3177

January 18, 1971

DECISION AND DIRECTION OF ELECTION

BY CHAIRMAN MILLER AND MEMBERS FANNING AND BROWN

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Donald L. Dotson. Following the close of the hearing the Regional Director for Region 11 transferred this case to the Board for decision. Thereafter, the Employer and the Petitioner filed briefs.

Pursuant to the provisions of Section 3(b) of the Act, the National Labor Relations Board has delegated its powers in connection with this case¹ to a three-member panel.

The Board has reviewed the Hearing Officer's rulings made at the hearing and finds that they are free from prejudicial error. They are hereby affirmed.

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
2. The labor organization involved claims 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 appropriate unit:

The Employer is a North Carolina corporation engaged in the printing and finishing of textile products at its Carlisle, South Carolina, plant. The instant case involves the Employer's roller printing division where the Petitioner currently represents the Employer's skilled journeymen machine printers and apprentices in a craft unit under an existing contract. There is no history of representation for any of the remaining employees in the plant.² Petitioner now seeks an election among the following unrepresented employees of the roller printing department either as a separate homogeneous departmental unit or as a cohesive "process or operational unit" associated with the textile machine printers craft:

All employees in the printing department, including backtenders, greytenders, jack crew, box washers, servicemen, utility men and inspectors, but excluding all other employees including journeymen and apprentice machine printers, office clerical employees, professional and technical employees, guards and supervisors as defined in the Act.

The Employer contends that the proposed unit does not constitute a functionally distinct department; that the unrepresented employees in the roller print department do not have a tradition or history of separate representation; that the Employer's printing and finishing operation is a fully integrated process with a functional interrelationship between various departments; and that the Petitioner has no experience in representing unskilled employees. Finally, the Employer contends that both the degree of, and the need for, employee transfers and interchange necessitated by operational procedures and delivery schedules render inappropriate the representation of the requested employees in a unit apart from the other unrepresented production and maintenance employees, all of whom, including those petitioned for, share a substantial community of interest. The Petitioner contends, in effect, (a) that it has sufficiently broadened its historical base of representation to include employees other than printers and their apprentices traditionally represented by it, particularly so as to include the so-called "back help" employees who comprise the unskilled segment of workers in roller printing departments; (b) that the employees of this Employer's roller printing department constitute a homogeneous and identifiable grouping for purposes of representation because of their departmental interdependency, functional integration, and separate supervision; and (c) that the principles enunciated by the Board in its *Lyman*³ decision for finding appropriate a unit of roller printing department employees is controlling in the instant case. Petitioner further argues that the degree of employee transfer and interchange between the employees sought and those of other departments of the Employer, a factor principally relied upon by the Employer as rendering the requested unit inappropriate, is not significant here either in terms of Board precedent or comparative man-hours worked.

The record shows that the printing department, located near the geographical center of the Carlisle plant, contains 12 Rice-Barton roller printing machines which are set up in a parallel row. The 33

¹ In its brief the Employer requested oral argument. As the record and the briefs of the parties adequately present the issues and the position of the parties, the request for oral argument is hereby denied.

² However, the Board has recently found that a unit of all screen print department employees at the Employer's Carlisle, South Carolina, plant

constitutes an appropriate unit for purposes of collective bargaining, and has directed that an election be conducted in this unit. See *Cone Mills Corporation, Carlisle Finishing Company Plant*, 187 NLRB No. 73.

³ *Lyman Printing and Finishing Company, A Division of M. Lowenstein & Sons*, 177 NLRB No. 117.

journeymen machine printers and apprentices currently represented by the Petitioner work at the front end of these machines. Seventy-five percent of all cloth processed at the Carlisle plant passes through this department. The related functions of this department performed by the "back help" or unrepresented employees sought by the Petitioner take place in the area immediately adjacent to the roller printing machines.

The roller printing department's function within the overall production operation is as follows: Cloth is taken from the warehouse to layout for design and then to the sew department for sewing into a continuous fabric. It then passes to the preparation department by means of conveyor where singeing, desizing, bleaching, and framing occur. This cloth then moves to the control department, and finally to the roller printing department in the form of framed cloth. A roller print foreman instructs the employee from cloth control where to place the cloth, usually behind a designated roller printing machine. At that point, a greytender from the roller print department picks up the framed cloth by means of a jack and moves it directly behind a machine. Thereupon the backtender takes over and sews or tapes the fabric on a lead line which conducts it through the roller printing machine. The printed cloth is then removed from the machine by a greytender for moving on to the other departments preparatory to shipping.

Job classifications among the "back help" are comprised of *learner*;⁴ *utility man*, whose duties essentially entail scouting throughout the plant to find empty handtrucks to transport the fabric from the roller printing department; *patch developer*, whose duties are developing patches of cloth so that the printer can observe the registration and color prior to printing the lot; *jackcrew man* and *leadman*, whose duties are maintaining and inspecting the rollers which are used in the roller printing machines; *color box washer*, whose duties are washing the boxes which contain the color for the roller printing machines; *backtender*, whose duties entail sewing the entering cloth so that it can be printed and can be properly aligned; and *greytender*, whose duties are to inspect the cloth as it leaves the machine and to remove the printed fabric.

In past organization campaigns, the "back help" employees have been included in a production and maintenance unit.⁵ Vacancies in the printing department are filled on the basis of departmental seniority, with "back help" personnel having an advance opportunity for 3 days to bid on posted positions within the department. Thereafter, the vacancy is

posted on other departmental bulletin boards for bidding on a plantwide basis. Under this system, as a matter of practice, journeymen printers and their apprentices are in most cases recruited from among the back help, and more particularly from the classification of backtender.

There is a general plant superintendent in overall control of the Employer's textile finishing operations. Under him, in order of rank, are the general foreman and roller printing foreman. The latter is responsible for the roller printing department. Below this departmental head are three shift foremen for the printers and three shift foremen for the back help.⁶

The Board has heretofore recognized that, in the absence of a bargaining history, a unit combining craftsmen and noncraftsmen engaged in the roller printing process constitutes an appropriate unit for purposes of collective bargaining.⁷ The instant record furnishes no basis for reaching a contrary result. Here the roller printing department is not so integrated with the rest of the Employer's operations as to suggest that a separate unit of roller printing department employees would be so unstabilizing as to justify denial of separate representation. Indeed the skilled classifications within the department have been historically represented and it does not appear that collective bargaining on that basis has been a disruptive influence on the Employer's operations. Furthermore, the machine printing apprentices are usually selected from among the backtenders and greytenders and the inference to be drawn from the circumstances is that there is also a natural progression from lower classifications in the roller printing department to backtender and greytender positions. In addition all roller department personnel work under common supervision separate from that of other production employees. While, as our dissenting colleague points out, there have been numerous transfers of a temporary nature both into and out of the roller printing department, such evidence standing alone is insufficient to outweigh the other considerations, noted above, whose cumulative effect establish that the employees sought comprise a separate, functional, and departmental group of employees appropriate for separate representation. In the circumstances, we shall direct a self-determination election among the employees of the roller printing department sought by the Petitioner, to enable them to determine whether they wish to be represented in a single departmental unit with the heretofore represented operators and apprentices.

In view of the foregoing, and upon the entire record,

⁴ At the present time no learners are employed in the printing department

⁵ Case 11-RC-2626 not published in NLRB volumes

⁶ It was stipulated at the hearing that the roller printing department foreman and the six shift foremen under him are supervisors

⁷ *Lyman Printing and Finishing Company, supra*

we shall direct a self-determination election among the following voting group of employees:

All employees in the printing department, including backtenders, greytenders, jack crew, box washers, servicemen, utility men and inspectors; excluding all other employees, including journeymen and apprentice machine printers, office clerical employees, professional and technical employees, guards and supervisors as defined in the Act.

If a majority of the employees in the voting group above cast their ballots for the Petitioner, they will be taken to have indicated their desire to be included in the existing unit of journeymen and apprentice machine printers currently represented by the Petitioner. In that event, the Regional Director conducting the election directed herein is instructed to issue the appropriate certification and the Petitioner may bargain for such employees as part of that unit. If a majority of them vote against the Petitioner, they will be taken to have indicated their desire to remain unrepresented and the Regional Director will issue a certification of results to that effect.

[Direction of election⁸ omitted from publication.]

CHAIRMAN MILLER, dissenting:

Contrary to the majority, I would find that the degree of employee interchange established on this record precludes a finding that the employees sought, together with the roller printing operator and appren-

tices, may constitute a departmental unit appropriate for separate representation. Uncontradicted, documented evidence shows that in the year 1968 through 1969, there were 333 instances of temporary transfers and 6 permanent transfers from other departments into the roller printing department. In addition, on 94 occasions those occupying "back help" classifications were temporarily assigned to other production and maintenance departments. This pattern continued into 1970, with the evidence showing that through August 9, there were 89 temporary transfers from roller printing to other departments, 30 temporary transfers into roller printing, and 15 permanent transfers from roller printing to other departments. Contrary to the majority, the high incidence of interchange among the 65 employees sought is not only substantial, but destroys the separate identity of the departmental grouping claimed by the Petitioner. In my opinion, this personnel movement is adequate to establish that the employees petitioned for have neither a reasonably permanent, nor exclusive identity within the roller printing department and hence I find they do not constitute a homogeneous grouping of employees possessed of interests sufficiently distinct from other unsought production and maintenance workers to support their separate representation on a departmental basis. Accordingly, I would dismiss the petition.

⁸ In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear Inc.*, 156 NLRB 1236, *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759. Accordingly, it is hereby directed that an election eligibility list, containing the names and addresses of all the eligible voters, must be filed

by the Employer with the Regional Director for Region 11 within 7 days of the date of this Decision and Direction of Election. The Regional Director shall make the list available to all parties to the election. No extension of time to file this list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.