

Sonoma-Marin Publishing Company, Employer and Petitioner and San Francisco Web Pressmen #4 International Printing Pressmen and Assistants' Union of North America, AFL-CIO. Case 20-RM-1042

June 27, 1968

DECISION AND ORDER

BY MEMBERS FANNING, JENKINS, AND ZAGORIA

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Helen A. Philips. Following the hearing and pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations and Statements of Procedure, Series 8, as amended, and by direction of the Regional Director for Region 20, this case was transferred to the National Labor Relations Board for decision. Both the Employer-Petitioner and the Union have 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.

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. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Sections 9(c)(1) and 2(6) and (7) of the Act.

4. The Employer is engaged in the publication of a daily newspaper, the *Petaluma Argus-Courier*, at Petaluma, California, which it purchased from the Olmstead Company, Inc., in September 1965. Earlier, as the result of a representation election conducted in 1963, the Board had certified the Santa Rosa Pressmen's Union #354 as the bargaining representative of the Olmstead Company's employees in the following unit:¹

All employees in the Press Stereotype Department of the Employer at its Petaluma, Califor-

nia operation, *excluding* all other employees, guards, and supervisors as defined in the Act.

At the time of the election there were three employees in the unit, a pressman, assistant pressman, and stereotypist. Thereafter, a 3-year collective-bargaining agreement was negotiated between the Olmstead Company and the Santa Rosa Pressmen's Union #354. In 1966, shortly after the Employer purchased the interest of the Olmstead Company, the San Francisco Web Pressman's Union #4 absorbed the interest of the Santa Rosa local and became administrator of the said collective-bargaining agreement. In 1967 the Employer constructed a new building at a new site and converted the production facility of the newspaper from a hot metal composition and letter press printing method of production to photo composition and offset printing of the daily newspaper. This change resulted in a reduction in force in the bargaining unit to two people. Shortly after the December 31, 1967, expiration of the collective-bargaining agreement, the Employer filed the instant petition.

The Employer contends that the only appropriate unit should include all employees in the offset platemaking and press department, excluding all other employees, guards, and supervisors as defined in the Act. The Employer also contends, however, that inasmuch as one of the two employees composing this unit is a supervisor, the unit is inappropriate and the prior certification issued in Case 20-RC-5535 should be revoked. The Union contends that there is no supervisor working in the offset platemaking and press department, that the Union is the representative of the employees in the certified unit, and that the petition should be dismissed. Alternatively, the Union contends that if an election is ordered, the appropriate unit should include, in addition to the two employees in the offset platemaking and press department of the Employer, one or two flymen who remove newspapers from the press conveyor.

The Employer's offset platemaking and press department is located between and is physically separate from the composing and circulation departments. The composing department has nine employees and one supervisor who are principally engaged in transforming news and advertising material into the form of pasted-up newspaper pages. These pasted-up pages are transmitted to the offset platemaking and press department where they are photographed and made into plates for the press and where the newspapers are actually printed. Two workers are employed in this department, one of which the Employer contends is a su-

¹ Case 20-RC-5535.

pervisor. The newspapers come off the press and run on a conveyor through an opening in the wall to the circulation department where they are removed from the conveyor. The circulation department is composed of two full-time and varying part-time employees and one supervisor. The regular employees of this department count, bundle, and address newspapers, load delivery vehicles, and otherwise see to the circulation of the newspapers. The part-time employees, called flymen, remove the newspapers from the conveyor. The full-time employees of this department also work as flymen on occasion.

The flymen, who the Union contends should be included in the platemaking and press department, were not included in the unit previously certified even though at that time they worked in the same room with the press employees, and we do not find any reason to presently include them in the unit. Here the work of the pressmen is craft in nature while that of the flymen is unskilled and performed by casual part-time labor. In addition, these two groups have separate supervision and work in physically separated areas. There is no interchange of employees between the two groups although there is an interchange of jobs within each of the two departments. Accordingly, we would not include the flymen in the unit previously found as appropriate and now called the offset platemaking and press department.

The Employer contends that John Klemenok, employed as a foreman of the pressroom, is a supervisor within the meaning of the Act and that he supervises one employee, Henry Kyle. The record discloses that although both men do the same work and interchange in the jobs performed by the department, Klemenok has added responsibilities which involve less than 50 percent of his time. The publisher of the newspaper, Wynne, testified that he has given Klemenok supervisory authority which includes the right to hire, lay off, recall, or discharge employees, or to effectively recommend the same. This delegation also includes the authority to purchase materials and supplies for the department; to plan and coordinate the work of the department with other departments; and to assign work and supervise the employees of the department. The evidence indicates that Klemenok has

hired several part-time employees. He has also recommended the discharge of one full-time employee and recommended that another full-time employee was not suitable for retraining at the time the Employer converted to the offset photo printing method, and both of these employees were in fact terminated. The record also discloses that Klemenok does in fact purchase materials and supplies for the department, that he plans the press runs, plans special editions, and generally coordinates the day-to-day work of his department with other department heads, generally at a weekly meeting of department heads. In addition, for assuming these responsibilities he receives extra remuneration, namely, \$169 weekly compared to employee Kyle's \$150 weekly. Accordingly, because Klemenok is clothed with and has exercised authority to hire, fire, or effectively recommend the same, and because he plans and assigns work within the department and coordinates the work of his department with that of the Employer's other departments, we find that Klemenok is a supervisor within the meaning of the Act.

It appears, therefore, that the unit previously found as appropriate is presently composed of one supervisor and one employee. As it would be contrary to the settled policy of the Board to certify a representative for bargaining purposes in a unit consisting of only one employee,² we find that, in view of the changed circumstances, a pressroom unit is no longer appropriate. Accordingly, we shall revoke the prior certification and dismiss the instant petition.

ORDER

Upon the basis of the above findings of fact and the entire record in this case, the National Labor Relations Board hereby orders that the certification issued in Case 20-RC-5535 to the Union's predecessor in interest, the Santa Rosa Pressmen's Union #354, as the collective-bargaining representative of the pressmen of the Employer's predecessor in interest, the Olmstead Company, Inc., of Petaluma, California, be, and it hereby is, revoked, and that the petition filed herein be, and it hereby is, dismissed.

² See, e.g., *Joe White IGA*, 154 NLRB 1, 6; *General Textile Mills, Inc.*, 109 NLRB 263, 266; *Virginia-Carolina Chemical Corporation*, 104 NLRB 69.