

**Fulton Cotton Mills, Division of Allied Products Corporation and Machine Printers and Engravers Association of the United States, Petitioner.** Cases 10-RC-7473 and 10-RC-7474

March 26, 1969

DECISION AND DIRECTION OF  
ELECTION

BY CHAIRMAN McCULLOCH 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 Matthew H. Shade, Hearing Officer. Following the hearing and pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, and by direction of the Regional Director for Region 10, this case was transferred to the Board for decision. Thereafter, the Employer and the Petitioner filed briefs in support of their respective positions.

Pursuant to 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. 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 elections in two craft units: one comprising all roller machine operators (printers) employed in the company's plant, the other comprising all screen print machine operators employed in the company's plant.<sup>1</sup> Alternatively, the Petitioner seeks a single unit including both roller printers and screen printers.

The Employer manufactures textile products at its Atlanta, Georgia, plant where it employs a work force of approximately 1,500. The plant is divided into three departments: cotton mill, finishing, and textile printing. Each department is headed by a superintendent, who reports directly to the assistant plant manager. The finishing and printing departments are in the same building adjacent to the cotton mill. The record does not reflect any history

of collective bargaining.

The printing department is composed of 67 employees working on three shifts under the supervision of a superintendent of printing, an overseer of printing, and nine shift supervisors — two of whom are combination foremen-printers. The roller printer unit petitioned for consists of approximately 10 employees, the screen printer unit of 3. The remaining employees in the department are engaged in chrome plating copper rollers for use in the roller printing machines, working as backtenders or inspectors on the roller and screen printing machines, color mixing, flash aging, and soaping of prints

The Employer has four Rice-Barton printing machines, each operated by a crew of three employees: an operator (printer), backtender, and inspector. The machine prints the desired pattern on the cloth by means of engraved rollers. Each roller is engraved with all designs having the same color and rotates against a brush, which in turn rotates through a tray of dye. A "doctor blade" removes the dye from those areas of the roller not intended to imprint the cloth. As the cloth passes around a large cylinder, the rollers, geared and timed so that the designs will strike the cloth in the proper sequence, rotate against the material and produce the desired pattern.

The roller machine operator is responsible for running the machine and normally stands at the front. He makes adjustments to keep the machine in register and also gives instructions to the back help to make various adjustments. From time to time (approximately every 5 to 15 minutes) the operator will instruct the inspector to bring him samples of the printed cloth so that he may examine them for defects. In setting up the machine, the operator works as part of a team with the backtender and inspector, and installs the copper rollers and doctor blades with their assistance. If short of help, the operator will also take out the color pans — a job normally performed by the backtender and inspector. The operator hones his own doctor blades; if the doctor blades are installed by the back help, he will check to see that they are seated properly.

The Employer has one screen printing machine, which operates on two shifts, with a crew of three: operator, backtender and inspector. The same supervisory personnel are responsible for both the screen and roller printing operations. There is occasional interchange between the screen and roller printing operators and back help, and on occasion supervisors will operate the screen printing machine.

The Employer has no apprenticeship or training program, and there is no regular progression to the position of operator. All of the Employer's operators, however, had worked previously as backtenders or inspectors. New employees have performed the operator's duties within 3 months of their employment, but have not attained the

<sup>1</sup>As amended at the hearing

operator classification in that period of time. An operator, Hice, who worked as a spare printer, before turning down a job as "boss printer" and being assigned duties as an inspector, testified that while classified as an operator he worked where needed, including backtending and inspecting. The exhibits show approximately 41 instances where 6 nonoperators (other than supervisors), or employees whose status is open to question, worked as operators during the period from February to August 1968. However, 30 of these instances occurred after July 5, 1968, the date the petition was filed. Other than Hice, whose situation was unique, only one roller print operator is shown to have worked as an inspector, and that was while Hice, who was then an inspector, was testifying at the Board hearing.

Operators are the highest paid employees working on the machines. There is a \$1.15 rate range within the operator classification as compared with a 60-cent range for inspectors and 85 cents for backtenders. While Employer's counsel instructed its superintendent of printing not to answer questions concerning the employees' salaries, it was stipulated that the highest rate for an inspector is 10-cents-an-hour less than the lowest rate paid an operator and that the highest rate for a backtender is the same as the lowest rate for an operator.

With the single exception of *Pervel Industries Inc.*,<sup>2</sup> a craft severance case, the Board has consistently held that roller machine operators form a traditional craft unit appropriate for the purposes of collective bargaining.<sup>3</sup> While many of the factors found controlling in *Pervel* are present here, they are not to be relied upon mechanically. In *Pervel* itself the Board reiterated that it would ". . . in all cases, regardless of industry, determine the appropriateness of the craft unit sought in the light of all factors present in the case," citing *E.I. Dupont de Nemours and Company*.<sup>4</sup> Here we find the distinctions outweigh the similarities. Thus *Pervel*'s printers filled in for employees of other departments and former printers working in other departments filled in for absent printers. Further, 18 former printers worked elsewhere in the plant, or in the printing department on other than printer's jobs. The record here does not establish a similar degree,

or kind, of transfer and interchange; employees of other departments do not fill in for printers, printers do not fill in for employees of other departments, and no specific instances of printers transferring out of the printing department were cited.

The Petitioner has traditionally represented machine printers on a craft basis. The printers here receive a substantially higher rate of pay than other employees on the machines and are responsible for the operation of the machines, directing the backtenders and inspectors as necessary. While the record does not establish that there is a regular progression to the printer classification, all of the Employer's printers have worked previously as backtenders or inspectors. As the Employer's superintendent of printing testified, the printers in the main perform the same duties as the printers in *American Finishing Co.*,<sup>5</sup> a case in which the Board sought and obtained enforcement of its bargaining order following issuance of *Pervel*. Finally, here there is no history of plantwide collective bargaining as there was in *Pervel*. See *Mallinckrodt Chemical Works*, 162 NLRB 387, 392.<sup>6</sup>

Under all of the above circumstances, we find the craft unit sought by the Petitioner to be appropriate for the purposes of collective bargaining.<sup>7</sup>

We find, therefore, 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 roller machine operators and all screen print machine operators employed in the company's plant, excluding all other employees, watchmen, guards, and supervisors as defined in the Act.  
[Text of Direction of Election<sup>8</sup> omitted from publication.]

<sup>1</sup>159 NLRB 976, enfd 389 F 2d 1004 (C.A. 6, 1968)

<sup>2</sup>Member Fanning does not rely on the absence of a history of collective bargaining on a more comprehensive basis in finding that the employees herein constitute a unit appropriate for the purposes of collective bargaining. See his separate opinion in *Mallinckrodt Chemical Works*, *supra*.

<sup>3</sup>In view of the common supervision, interchange, and similarity of work performed by the screen and roller printers, we shall combine the two units as alternatively requested by the Petitioner.

<sup>4</sup>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 10 within 7 days after 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. *Excelsior Underwear Inc.*, 156 NLRB 1236.

<sup>1</sup>163 NLRB No. 140

<sup>3</sup>See, e.g., *Plastic Film Co.*, 123 NLRB 1635, *Southern Bleachery & Print Works*, 115 NLRB 787, *Santee Print Works*, 111 NLRB 1362; *American Finishing Co.*, 86 NLRB 412.

<sup>6</sup>162 NLRB 413