

The Journal-Times Company, a Division of Lee Enterprises, Incorporated, Employer-Petitioner and Graphic Arts International Union Local No. 254, AFL-CIO and Racine Printing Pressmen and Assistants' Local No. 127, affiliated with the International Printing and Graphic Communications Union, AFL-CIO. Case 30-RM-271

March 15, 1974

DECISION AND DIRECTION OF ELECTION.

BY CHAIRMAN MILLER AND MEMBERS FANNING AND PENELLO

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held on November 20 and 21, 1973, at Racine, Wisconsin, before Hearing Officer George Strick of the National Labor Relations Board. 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, the Regional Director for Region 30, on December 3, 1973, transferred this case to the Board for decision. Thereafter, the Employer and the Graphic Arts International Union Local No. 254, AFL-CIO, hereinafter called GAIU, 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 authority in this proceeding 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.

On 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 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 petition, as amended, seeks an election in a unit of certain employees of the Employer at its Racine, Wisconsin, plant described as follows:

All employees in the press department of the Employer engaged in the preparation of photo-sensitive printing plates for use on the Employer's newspaper web printing presses including camera

work and the development of negatives in the platemaking process; stripping of negatives, opaquing, masking, color separation performed by masking; developing, burning or otherwise finishing the plate; curving, crimping, punching or other procedures necessary for mounting the finished plate on a saddle or plate carrier; positioning the mounted plates on the Employer's newspaper web printing presses and operation of the presses; excluding all office clerical employees, professional employees, guards, and supervisors as defined in the Act and all other employees of the Employer.

The GAIU contends that the overall unit requested by the Employer is inappropriate because it combines traditionally separate craft units. The GAIU further contends that only separate units of photoengraving employees and of pressroom employees would be appropriate, and, in the event that is so found, asks to be on the ballot only in the photoengravers unit. However, if the unit described in the Employer's petition is found appropriate, the GAIU wishes to be on the ballot.

The Racine Printing Pressmen and Assistants' Local No. 127, affiliated with the International Printing and Graphic Communications Union, AFL-CIO, hereinafter called Pressmen, agrees with the Employer's unit position and contends that only an overall pressroom unit is appropriate. However, if separate units as requested by the GAIU are found appropriate, the Pressmen wish is to be on the ballot only in the pressroom unit.

The Journal-Times Company is a Delaware corporation engaged in the publication of a daily newspaper in Racine, Wisconsin. Prior to March 1, 1973, each of the Employer's mechanical departments, as well as the composing room, constituted a separate bargaining unit. Thus, the composing room employees were represented by Racine Typographical Union 324;¹ the stereotyping department employees by Milwaukee Stereotypers' Union No. 90, hereinafter called Stereotypers; the pressroom employees by the Pressmen; and the engraving department employees by the GAIU.² The Employer's collective-bargaining relationships with these craft unions spanned a period of more than 20 years. The latest Stereotypers contract with the Employer by its terms was due to expire on June 30, 1973. However, on March 1, 1973, the Stereotypers acquiesced in the Employer's decision, discussed below, to eliminate the stereotyping department. The Employer's contract with the Pressmen expired on August 9, 1973,

gravers International Union. On that date the Lithographers and Photoengravers International Union merged with the International Brotherhood of Bookbinders to form the Graphic Arts International Union, AFL-CIO.

¹ These employees are not involved in this proceeding

² Prior to September 4, 1972, the engraving department employees were represented by Racine Local No. 254 of the Lithographers and Photoen-

and its agreement with the GAIU expired on January 31, 1972.

Until March 1973 the Employer utilized the traditional hot metal process in its printing operation. In this process, news and editorial material is reproduced by means of metal plugs of type which are arranged into lines and used to make impressions on celluloid mats produced by a stereotype department. Illustrative material is photoengraved onto metal sheets, which are used instead of metal type to impress the mats. The mats, in turn, receive an injection of hot metal from which a semicylindrical plate is formed. It is this plate which is fastened to the press and used to do the actual printing of a newspaper page under the hot metal process.

For some months prior to December 1972, the Employer's management officials had been considering conversion of both its composition department and its pressroom operation to new processes known, respectively, as cold-type and direct printing. Under the cold-type process, which can be utilized in conjunction with either the traditional printing operation or the newer direct printing process, the use of metal type in composition is eliminated. Instead, the newspaper page is composed by pasting up copy reproduced onto paper by a photocomposition machine. This page is then photoengraved onto a metal sheet which can be used to make the celluloid mat used in the traditional printing process. Under the direct printing method, however, the product of the photocomposition machine is photoengraved onto a thin metal plate whose surface is coated with a chemical emulsion. This emulsion reacts under certain light frequencies to accomplish the photoengraving without the use of acids or any other strong chemicals. Because of its tensile strength and flexibility the sheet on which the photoengraving is produced can then be bent into the requisite semicylindrical shape and affixed to the press directly by means of a device called a saddle. The need for the mats, required in the formation of the semicylindrical plates used in the traditional printing method, is thereby eliminated.

On December 1, 1972, the Employer announced to its employees that it would convert both its composition room and its press operation to the new processes effective March 1, 1973, and that as a result of the changeover the stereotype and photoengraving departments would be eliminated. The announcement further stated that a new press department would be formed which would combine

in one department the functions previously performed by the pressroom and the engraving departments,³ and that all employees in the then existing press, stereotype, and photoengraving departments (collectively known as the mechanical departments) would be eligible for training courses in the new methods and could apply for positions in the new department. At the time of the announcement there were nine employees in the pressroom, four in the stereotyping department, and four in the engraving department, all of whom applied for jobs in the new press department.

As part of its conversion operation the Employer extensively remodeled its pressroom in the basement of its plant. A new floor was built and the room was subdivided by a new wall in order to provide a contiguous platemaking area for the performance of photoengraving and plate production work, which had previously been performed in the engraving department located on the second floor of the building.

In January and February 1973 the Employer held a series of training sessions which were attended by all of the employees in the mechanical departments. On February 22, 1973, the Employer announced its selection of employees for the new press department.⁴ Of the 12 employees hired for the new department 9 were from the old pressroom, 2 from the stereotyping department, and 1 from the photoengraving department. Three of these 12 have retired or resigned since March 1, 1973, leaving a press department complement of 9 employees as of the date of the hearing in this proceeding.

As a result of their training, every employee in the new department is skilled in every job function performed in the pressroom, including the contiguous platemaking area. These jobs are rotated among the employees daily and include making the printing plates, affixing them to the press, preparing paper for the press, and operating and maintaining the press itself. On an average day, two press department employees are generally assigned to the platemaking area: one for an entire shift and the other for approximately half of a shift.

The entire press department including the platemaking area is under the immediate supervision of the man in charge, Floyd Welch, who makes the daily job assignments and directs the work of the department.

The GAIU contends that the overall unit of pressroom employees is inappropriate and that only separate units of photoengraving and pressroom employees are appropriate. In support of this

in this proceeding

³ The services previously performed by the stereotype department were no longer needed because celluloid mats are not used in the direct printing method. At the hearing, the Stereotypers expressly disclaimed any interest

⁴ There is no allegation that this selection was in any way motivated by antiunion considerations.

contention it cites Board decisions holding that employees in the various crafts involved in the printing business, including photoengraving, are entitled to representation in separate bargaining units determined along craft lines.⁵ The GAIU also argues that the photoengraving process under the direct printing method, although somewhat simplified and streamlined, still utilizes the same basic skills and techniques of photography, etching, finishing, and related tasks that were required by the traditional printing method and that, therefore, the craft distinctions between photoengraving and pressroom work have not been obliterated. Finally, the GAIU points out that the Employer's witnesses testified that the rotation of jobs within the press department is part of the Employer's "intensive program of cross-training" in the various jobs performed in the department and contends that when the training program is complete the Employer will in all likelihood assign certain employees to do platemaking on a regular basis.

The Employer and the Pressmen contend that only a single overall press department unit is appropriate in the circumstances of this case. We agree with their contention.

The record clearly establishes that all of the pressroom employees perform all of the jobs in the press department. They are all trained in platemaking and regularly work in that area from time to time. The record further establishes that all employees in the press department share a community of interest. Thus, all employees are under the same supervision, are covered by the same pension and insurance plans, and, except for the man in charge and his two assistants, receive the same wages. All of the press department employees enjoy the same amount of annual vacation time and sick leave, have the same holidays, and use the same locker room, reserved for the press department only. Further, all the employees use the same lunchroom, bar, and dining room, which are open to all of the Employer's employees.

The above facts readily distinguish the present case from the cases relied on by the GAIU in support of its contentions, namely, *American-Republican, Inc.*, *supra*, *Garden Island Publishing Co., Ltd.*, *supra*, and *Sufsun Co., Inc.*, *supra*, in which the Board found that employees who performed photoengraving work for newspapers constituted a distinct craft unit and were entitled to separate representation. Those cases involved newspapers utilizing the traditional printing process in which separate craft functions could be readily identified. The employees in the separate units found appropriate in those cases devoted their

working time almost exclusively to the work of a particular craft under separate craft supervision.

In the instant case, on the other hand, there is daily job interchange among all employees in the press department, common supervision, and all employees are trained to perform and do perform all of the job functions in the entire department. Although the GAIU contends that, at some future time, specific employees may be assigned to do platemaking exclusively, no evidence to this effect was adduced at the hearing and the record does not indicate that the Employer has any intention of altering its present system of job rotation in the foreseeable future. Finally, we find that there is no ascertainable photoengraving unit at the present time, inasmuch as the platemaking jobs are rotated daily among all employees in the press department. Therefore, there are no identifiable employees who presently devote all of their time or even most of their time to performance of photoengraving work. In these circumstances, we find that the separate units requested by the GAIU are inappropriate. Rather, based on the factors discussed above, we find that, under the circumstances of this case, only the overall unit of all press department employees is appropriate. Accordingly, we shall direct an election among the employees in the following unit:

All employees in the press department of the Employer engaged in the preparation of photosensitive printing plates for use on the Employer's newspaper web printing presses including camera work and the development of negatives in the platemaking process; stripping of negatives, opaquing, masking, color separation performed by masking; developing, burning or otherwise finishing the plate; curving, crimping, punching or other procedures necessary for mounting the finished plate on a saddle or plate carrier; positioning the mounted plates on the Employer's newspaper web printing presses and operation of the presses; excluding all office clerical employees, professional employees, guards and supervisors as defined in the Act, and all other employees of the Employer.

There remains for our determination the issues of whether: (1) "press-man-in-charge" Floyd Welch, and his assistants, Edward Simon and Paul Hudec, are supervisors as defined in Section 2(11) of the Act; and (2) substitute employees Ralph Van Hazinga and James Fleming, have sufficient regularity of employment to be eligible to vote.

With respect to Welch, as his title indicates, he is in

⁵ See, e.g., *American-Republican, Incorporated*, 171 NLRB 43. *Sufsun Co., Inc.*, 174 NLRB 977; *Garden Island Publishing Co., Ltd.*, 154 NLRB 697

charge of and directs the operations of the entire press department. The record shows that he has authority, on behalf of the Employer, to effectively recommend that employees be hired or fired. Indeed, at the time of the Employer's reorganization, he recommended which employees should be hired for the new press department and these recommendations were followed by the Employer. In addition, Welch prepares the daily work assignment sheets, establishes shift hours, grants time off, authorizes overtime, and hires substitute pressmen when necessary. Based on these factors we find that Welch is a supervisor within the meaning of Section 2(11) of the Act and that, therefore, he is ineligible to vote in the election.

As to Hudec and Simon, the record indicates that, while they substitute for Welch in his absence, they do not have the same authority he does. Thus, Welch testified without contradiction that when he is not present he leaves a list of instructions for his assistants and that, if any problems arise with respect to discipline, his assistants are expected to contact him before taking any action. It therefore appears that Hudec and Simon do not exercise independent judgment when they substitute for Welch. Furthermore, Welch testified without contradiction that

every employee in the department is fully qualified to act as an assistant "press-man-in-charge." The fact that Simon and Hudec receive higher wages than other nonsupervisory employees does not of itself constitute them supervisors. In view of the foregoing, we find that the record evidence fails to establish that Simon and Hudec are supervisors within the meaning of the Act and, hence, they are eligible to vote in the election.⁶

With respect to substitute employees Van Hazinga and Fleming, the uncontradicted evidence reveals that both men worked at least 1 day per week from January to March 1973, that they did not work at all in the summer of 1973, and that they worked approximately 1 to 3 days per week in October and November 1973. The record further indicates that it is uncertain how frequently the two men would be asked to work after December 1973. Based on the state of this record we are unable to determine at this time what the frequency and regularity of employment of these individuals with the Employer will be as of the voting eligibility date. Accordingly, we shall permit Van Hazinga and Fleming to vote subject to challenge.

[Direction of Election and *Excelsior* footnote omitted from publication.]

⁶ Cf. *Goshen Litho, Inc.*, 1962 NLRB 977; *D H Overmyer Co., Inc.*, 196 NLRB 789.