

**The Scrantonian Publishing Co., Inc. & The Scranton Republican Publishing Co., Inc., Employer-Petitioner and International Stereotypers & Electrotypers Union No. 73, AFL-CIO<sup>1</sup> and Graphic Arts International Union, AFL-CIO, Local 241.<sup>2</sup> Case 4-UC-67**

December 5, 1974

**DECISION ON REVIEW AND ORDER**

BY CHAIRMAN MILLER AND MEMBERS JENKINS AND KENNEDY

On June 12, 1974, the Regional Director for Region 4 issued a Decision and Clarification of Bargaining Unit in the above-entitled proceeding in which he granted the Employer's request to clarify the units of the Stereotypers and GAIU,<sup>3</sup> finding that employees operating certain "Merigraph" equipment constitute an accretion to the Stereotypers unit and clarifying that unit accordingly. Thereafter, GAIU filed a timely request for review of the Regional Director's Decision on the grounds that in making his clarification determination he departed from officially reported precedent and made findings of fact which are clearly erroneous and prejudicial to its rights.

By telegraphic order dated September 9, 1974, the request for review was granted. Thereafter GAIU, Stereotypers, and the Employer filed briefs on review.

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 considered the entire record in this case with respect to the issues under review, including the briefs on review, and makes the following findings:

In resolving the unit clarification request before him, the Regional Director considered only factors which the Board weighs in determining jurisdictional disputes in proceedings arising under Section 10(k) of the Act. On the basis of those factors he concluded that employees assigned to the Employer's new "Merigraph system" constitute an accretion to Stereotypers unit. In its request for review GAIU did not object to the Regional Director's treatment of the accretion issue within this framework and argued only that he improp-

erly weighed the factors which he considered. The briefs of both Stereotypers and the Employer argue that the factors considered by the Regional Director necessitate a finding that Stereotypers has "jurisdiction" over the operation of the Merigraph system. As in *Schmidt's Printery*,<sup>4</sup> we granted the request for review solely in order to determine from the record whether or not the dispute between Stereotypers and GAIU was susceptible of resolution under principles applicable to unit clarification proceedings. For the reasons stated below, our review of the record persuades us that the Regional Director's clarification of the units involved was improper.

The Employer is engaged in the printing, publication, and distribution of two newspapers, the Scrantonian and the Tribune. Both newspapers are printed at the Employer's location at 338 West Washington Avenue, Scranton, Pennsylvania. The Employer employs approximately 204 employees in various departments. The employees in each department are represented in a separate bargaining unit. The Stereotypers and GAIU have for about 45 years represented units of employees in the stereotype department and in the camera and engraving department, respectively. The Employer's latest collective-bargaining agreement with Stereotypers ran from October 1, 1970, to September 30, 1973, and its latest agreement with GAIU ran from February 22, 1971, to February 21, 1974. Although both agreements had expired at the time of the hearing, the Employer continued to operate under their terms, and both Unions were negotiating new contracts with the Employer.

The most recently expired agreement between the Employer and Stereotypers defined the unit in terms of work jurisdiction. Section 4 of the "Mutual Guarantees" article therein stated:

It is further agreed that the Publishers will continue to recognize the Union's claims to work presently done at the signing of this agreement, and the Union's jurisdiction will include all work necessary to prepare and complete duplicate plates for Letterpress printing. These processes shall not include camera work. It is also understood that [Stereotypers] will not invade the recognized jurisdiction of work now assigned to the crafts by contractual agreement.

On February 13, 1974, the Employer and Stereotypers executed a "Memorandum of Agreement" which stated in relevant part:

That the jurisdiction clause set forth in Section 4 of the "Mutual Guarantees" articles of the collective bargaining contract be expanded to include

<sup>1</sup> Hereinafter referred to as Stereotypers. While this Union's designation in the caption is in accord with its desires, we note that prior to the hearing its parent, the International Stereotypers & Electrotypers Union, and the International Printing Pressmen and Assistants Union merged to form the International Printing and Graphic Communications Union, AFL-CIO.

<sup>2</sup> Hereinafter referred to as GAIU.

<sup>3</sup> Neither Stereotypers nor GAIU has been certified by the National Labor Relations Board as the bargaining agent for employees in their respective units. Each Union, however, is currently recognized by the Employer in separate units, as described below.

<sup>4</sup> 213 NLRB No. 58 (1974).

the production of plastic polymer plates by means of the Merigraph system, and all equipment, materials, duties, and work necessary thereto shall be processed and completed by the employees covered by this contract

The recently expired agreement between the Employer and GAIU contains a recognition provision which states:

The Company recognizes Local #241 of the [GAIU] as the exclusive representative for the purpose of collective bargaining in respect to rates of pay, hours of employment, or other conditions of employment for all employees performing work described in the Jurisdiction article of this contract.

The jurisdiction provisions in GAIU's contract cover photoengraving and its attendant work, and such work is defined broadly as:

[A]ll operations of the process pertaining to the production of photoengraving plates, plates for offset, and gravure cylinders and plates of any substance or material from copy or from originals and/or subjects when finished in lieu of copy up to the finished product

Section 3 of article 4 sets out in considerable detail various work and processes within GAIU's jurisdiction and contains a provision that if the Employer installs any equipment or adopts any work-processes as a substitute or evolution of work being done by photoengravers, GAIU's jurisdiction will apply.

Prior to March 1974 the Employer utilized solely the traditional "hot metal" process in its letterpress newspaper printing operations. Thus, employees in the composing room set news into type and, where required, inserted engravings made in the engraving department. A page of type and engravings so produced, called a "chase," was then taken to the stereotype department, where, by application of pressure, it was imprinted onto a cardboard-like mat. The mat was then dried and a semicylindrical metal plate prepared from it. The plate so prepared was then sent to the pressroom, to be mounted on the press for the actual printing.

On or about August 13, 1973, the Employer notified Stereotypers of its intent to convert from the hot metal process to a direct printing process. This conversion commenced on or about March 5, 1974, when the Employer received its first shipment of Merigraph equipment. Approximately 1 week later the Employer assigned the seven employees in the stereotype department to operate this new "Merigraph system." Merigraph equipment has been placed in a separate room located between the pressroom and the engraving

department. Limited production utilizing this equipment began on or about March 19, 1974. As contemplated by the Employer this new method will completely replace the traditional hot metal process within approximately 1 year after its introduction.

In the Merigraph system a photographic negative of copy is placed in an exposure unit, and a liquid polymer resin is then pumped into the unit. The negative is then exposed to ultraviolet light which causes the resin to become hardened in those areas corresponding to transparent sections of the negative. The resulting photopolymer plate is placed in a developing unit where the unhardened resin is removed and the plate is dried and further hardened. This plate is then mounted directly onto a press for printing. Hence the need for mats, required in the "hot metal" stereotyping process, is eliminated. The consequence of the Employer's installation of the Merigraph system in its operations will be the elimination of the stereotype department. Much of the work of the camera and engraving department will also be eliminated. Indeed, whatever camera work will remain, the Employer plans to integrate with the composing room, which will then be renamed the photocomposing department.<sup>5</sup>

At the time of the hearing the Employer had embarked on its planned changes but was in the midst of a transitional period. At this stage it continued to produce some plates in accordance with the traditional method but it was also using some of the photopolymer plates, produced by the Merigraph system, as mats from which employees in the stereotyping department made metal printing plates. Although it is true that, at the time of the hearing, employees from the stereotyping department were operating the Merigraph system, that they were receiving the same rate of pay and the same fringe benefits as they had received for performing their stereotyping duties, that they were being supervised by the stereotyping department foreman, and they have been trained to operate the system, we note certain countervailing factors. Thus, the training received by the stereotypers would have been necessary no matter which employees were chosen to operate the system. Indeed, the Employer indicated that it might train one or more of its present engravers (four in number) to operate the Merigraph plate producing system.

<sup>5</sup> It appears from the record that in addition to converting its operations to a direct printing method, the Employer is also eliminating hot type and converting to a cold type process. Thus, it intends to completely eliminate its 17 or 18 linotype machines in the composing room. In the new procedure one or more of the eight keyboards used by the Employer produces a code of tape which is fed into a photocomposing machine which reads the tape and produces a strip of photographic paper with all the characters properly spaced on the paper. Employees of the camera department make up a photopositor, or velox print, instead of a metal engraving, which is sent to the composing room. These photopositives or velox prints are then combined with printed matter into page form. A full page negative is made of such a page. It is this negative which is placed in the Merigraph system's exposure unit as the first step in the production of a plastic printing plate.

Certain skills used in the operation of the Merigraph system may be found in employees of both the Stereotypers and GAIU units. Stereotypers traditionally make press plates. Employees in the engraving department are skilled, *inter alia*, in camera work and in utilizing magnifying glasses to examine the dot structure and "line work" of metallic, etched plates. Employees who operate the Merigraph system must use magnifying glasses to examine the dot structure on the photopolymer plates. In addition, the Merigraph system is, according to the Employer, an "entirely new process" which, when fully operational, will replace the stereotype department and the metal engraving operations performed by the members of GAIU.

In light of the foregoing, especially the fact that the stereotype department and the engraving operations of the camera and engraving department will be eliminated, that the operation of the Merigraph system requires not only an amalgam of stereotyping and engraving skills but also extensive new skills, and that the Merigraph system is a new operation utilizing new machinery and is located in a portion of the Employer's facilities separate from its other departments and operations, we conclude that the disputed employees are not

an accretion to either Stereotypers or GAIU's existing unit.<sup>6</sup> Rather, the issue of what unit representation, if any, the disputed employees should have, presents a question concerning representation, not one resolve by this unit clarification proceeding in view of our finding of no accretion. Accordingly, as there is no basis herein for adding the employees operating the new Merigraph system to either of the two aforementioned units involved herein, we shall dismiss the Employer's petition.

### ORDER

It is hereby ordered that the petition for unit clarification filed by The Scrantonian Publishing Co., Inc., & the Scranton Republican Publishing Co., Inc., be and it hereby is, dismissed.

<sup>6</sup> The fact that the contracts of both Stereotypers and GAIU, which define the covered units in terms of work jurisdiction, ostensibly encompass work of the type performed under the Merigraph system is not controlling herein, as the Board makes its unit determination on the basis of community of interest criteria not a union's jurisdictional claims. *General Aniline Corporation*, 89 NLRB 467 (1950); *The Plumbing Contractors Association of Baltimore, Maryland, Inc.*, 93 NLRB 1081, 1087, fn. 21; *Ross-Meehan Foundaries*, 147 NLRB 207, 209 (1964).