

AGI Klearfold, LLC and Graphic Communication International Union, Chicago Local 458-3M, Petitioner. Case 13–RC–21129

August 9, 2007

DECISION ON REVIEW AND ORDER

BY CHAIRMAN BATTISTA AND MEMBERS SCHAUMBER
AND WALSH

On February 10, 2004, the Acting Regional Director for Region 13 issued a Decision and Direction of Election in the above-titled proceeding in which she found, among other things, that the petitioned-for unit of all press department employees, including the first press operators, second press operators, feeders, helpers, and the press room clerk, was appropriate.

Thereafter, in accordance with Section 102.67 of the National Labor Relations Board's Rules and Regulations, the Employer filed a timely request for review. The Employer argued that the petitioned-for unit does not constitute a craft or departmental unit, and that the unit should include all production and maintenance employees in the lithographic process¹, or, at a minimum, must include the pre-press department employees.

By Order dated March 31, 2004, the Board granted the Employer's request for review with respect to the Acting Regional Director's unit determination.² The election was conducted as scheduled on March 18, 2004, and the ballots were impounded. The Petitioner filed a brief on review.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

We have carefully considered the entire record in this proceeding, including the brief on review, and have decided to reverse the Acting Regional Director's finding that the petitioned-for unit is appropriate. We conclude that the smallest appropriate unit is one consisting of the Employer's press and pre-press department employees.

¹ As we understand it, this is the same as all production and maintenance employees.

² The Board (Members Meisburg and Walsh, Member Schaumber dissenting) denied the Employer's request for review of the Acting Regional Director's determination that first press operators were not statutory supervisors. The Employer filed a motion for reconsideration of that denial. In light of our decision here, and the subsequent issuance of *Oakwood Healthcare, Inc.*, 348 NLRB 686 (2006), *Golden Crest Healthcare Center*, 348 NLRB 727 (2006), and *Croft Metals, Inc.*, 348 NLRB 717 (2006), we grant the Employer's motion to the extent that it raises issues regarding the first press operators' authority with respect to assignment and responsible direction of employees and remand this issue to the Regional Director for reconsideration, if necessary.

Facts

The Employer produces consumer packaging for clients in the media and cosmetic industries in Melrose Park, Illinois. The Employer produces three-dimensional packaging solutions, which include rigid box packaging, folding carton packaging, media packaging for compact disks and digital video devices, and print advertising inserts, sleeves, and unglued cartons for tobacco products.

The Employer's operation utilizes standard lithographic printing, which occurs in three main stages: pre-press, press, and binding or post-press. Pre-press employees prepare the materials necessary for operation of the printing presses, transforming digital text and pictures into finished pages, and making plates that embody the finished pages. Press employees run the presses, using the printing plates to produce printed sheets. Bindery employees complete the final stage of production: folding, cutting, and binding the printed sheets into the finished product.

The Employer's entire production operation is housed in one building, with one common aisle running the length of that building and few walls separating the work areas. There are approximately 250 production and maintenance employees organized into 10 separate departments. These departments are physically arranged in the order in which the product moves through the production process.

The Employer's production process is sequential; the work of one department is dependent on the work being accomplished timely and correctly by the preceding department. The process begins when a customer places an order. First, a production planner creates a job ticket that specifies the details concerning the order and the work to be done. Once completed, a hard copy of the job ticket is supplied to employees in each department by their respective supervisors. Employees also have access to an electronic job ticket through a plantwide database.

Next, employees in the sheeting department take rolls of stock paper and cut them into individual sheets for feeding into the printing presses. Then, employees in the pre-press department create a job bag. The job bag includes the job ticket, a sample of the final printed product, and other items needed during production, and accompanies the job as it progresses through the various production stages.

The Employer's pre-press department also receives all incoming media and artwork from clients. At the start of a new job, pre-press employees are responsible for transforming this media into proofs for client approval and for creating the job bag. Pre-press employees also make the plates needed for operation of the printing presses. Pre-

press employees are divided into three groups: image assemblers, film-strippers, and platemakers. Image assemblers use software to process the incoming digital media into digital “die,” or the physical shape and dimension that the final printed image will assume.³ Film-strippers convert archived film into digital format and assemble the job bags. Platemakers perform the traditional pre-press task of making the printing plates, using digital images obtained from the image assemblers and film-strippers.

The pre-press department is housed within the main warehouse in a separate, walled-off room. Once the plates are completed, they are moved, together with the job bag, to a “staging area” located in the corridor immediately outside of the pre-press room. From this staging area, the job bag and the completed plates will be picked up by a press department employee. The pre-press department includes 12 permanent, full-time employees and 3 temporary, full-time employees. Pre-press employees work 2 10-hour shifts and have a 30-minute lunchbreak. Their salaries range from \$10 to \$26.18 per hour.

The press department consists of 54 employees who operate 6 printing presses, in crews of 2, 3, or 4 employees. The sole responsibility of the press employees is to operate the presses. A typical four person crew is made up of a first pressman, second pressman, feeder and helper, each of whom performs a distinct function in the operation of the press. There are 16 first pressmen, 12 second pressmen, 16 feeders, 9 helpers, and 1 pressroom clerk. Press department employees’ wages range between \$10.64 per hour, at the helper level, to \$30.32 per hour for the first pressmen.

After the press department completes its work, production moves to the die-cutting department, where 19 employees cut the sheets by running them through a die-cutting machine and applying foil or raised embossing to the sheets. The product then goes to the finishing department, where 77 employees glue the cut images to the product and assemble the packaging. Next, the 10 quality assurance department employees inspect the product for compliance with industry standards and customer specifications. The product then arrives in the rigid box department, where 16 employees cut the printed sheets that were not cut into individual shapes by the die-cutting department and glue those sheets to boxes. Finally, the 17 employees in the shipping/receiving department ship the finished product to customers and receive rolls of stock paper. Additionally, seven employees in the main-

tenance department perform maintenance and repair on plant machinery, including printing presses.

The Employer has an operations manager who is responsible for the facility and a plant manager who oversees the manufacturing operation. The press department is run by three shift supervisors who report to a press department manager. The press department manager reports to the plant manager, who in turn reports to the operations manager. The pre-press department is run by a pre-press supervisor who answers to a pre-press department manager. The pre-press department manager reports to the operations manager. The remaining departments report either to the plant manager or the operations manager.

Employees from the various production departments generally come into contact with one another at the planning stage or when a problem with the production process arises. For example, if there is a defect in the printed product which cannot be attributed to the work of the press department, the press employees may consult the pre-press department, though this type of interaction often occurs between a press department supervisor and a pre-press department supervisor. Similarly, if a plate needs to be adjusted to avoid “ghosting,” the press department may consult the pre-press department. This type of problem is typically handled at one of the previously scheduled, daily “art meetings.” The departmental representatives who attend these meetings are usually supervisors, but a first pressman will attend the meeting if a press supervisor is not available. Likewise, if a problem with the printing plates arises during production, a pre-press employee may enter the press room and observe the plates on the press while the press is in operation.

Further contact between the press and pre-press employees occurs on the night shift, for which there is no pre-press supervisor. If a problem with the plates arises on the night shift, a first pressman, or the press shift supervisor if one is available, may enter the pre-press department to provide assistance. Press employees will also enter the pre-press room at any time they cannot find all of the tools needed for the job, such as a plate, or the job bag. On those occasions, the press employees will look for the tools in the pre-press room.

Press employees and most other production and maintenance employees, excluding pre-press employees, wear safety goggles and ear protection. All production and maintenance employees attend regular training sessions and general meetings. In addition, press department employees undergo monthly safety training on a departmental basis, but a portion of this training is the same as for all production and maintenance employees. Press De-

³ The dies are the province of the CAD/CAM department, where two employees generate die vinyls to be placed in the job bag and develop an initial sample product to show to the customer.

partment employees also receive department-specific training relating to the operation of the presses.

All production and maintenance employees enjoy the same working conditions and benefits. They receive the same orientation package and employee handbook; are subject to the same policies regarding vacation and discipline; and receive the same benefits package, including health insurance, medical insurance, disability, and 401(k) plans. The Employer maintains teams and committees made up of a cross-section of employees, including press department employees, which address matters such as safety and emergency response. Press employees share much of the same common areas with other employees; all hourly employees use the same timeclock, have identical timecards, use the same break room and smoking areas, and have access to common locker rooms and parking lots. There is no history of collective bargaining at the Employer's facility.

Analysis

Based on the foregoing, we do not agree with the Acting Regional Director that the petitioned-for group of press employees constitutes an appropriate unit. Nor do we find, as argued by the Employer, that only an overall production and maintenance unit is the only appropriate unit. Rather, we find, in agreement with the Employer's alternative contention, that the smallest appropriate unit in this case is a "traditional lithographic unit" consisting of both press and pre-press employees.

In its early consideration of units in the printing industry, the Board found numerous groupings appropriate. See, e.g., *Sutherland Paper Co.*, 112 NLRB 622, 623–624 (1955) (press unit); *Kellogg Co.*, 104 NLRB 302, 304–305 (1953) (same); *Pacific Coast Assn. of Pulp & Paper Manufacturers*, 94 NLRB 477 (1951); *Vail-Ballou Press*, 15 NLRB 378 (1939). Subsequently, organizing in the printing industry centered on attempts by unions to represent combined units of press and pre-press employees. The primary issue in these cases was whether such a combined unit was separately appropriate, or whether the unit had to include all production and maintenance employees involved in the lithographic process. The Board ordinarily found a unit limited to press and pre-press employees appropriate, eventually referring to such a grouping as the "traditional lithographic unit." *Allen, Lane & Scott*, 137 NLRB 223, 226 (1962). See generally *Earl Litho Printing Co.*, 116 NLRB 1538, 1539 (1956); *Shumate, Inc.*, 131 NLRB 98, 99 (1961); *A.B. Hirschfeld Press, Inc.*, 140 NLRB 212, 216 (1962); *George Rice & Sons*, 212 NLRB 947, 947–948 (1974); *Moore Business Forms, Inc.*, 216 NLRB 833, 834 (1975); *Meyer Label Co.*, 232 NLRB 933, 934 (1977). The Board, however,

has in a few cases found appropriate an overall production and maintenance unit⁴ or a press-only unit.⁵

Although not clearly articulated in these decisions, the Board seeks to apply a traditional community-of-interest analysis to units in the printing industry, finding appropriate in most cases a "traditional lithographic unit" of press and pre-press employees.

In accord with this precedent, we will continue to utilize a community-of-interest analysis in determining whether the petitioned-for unit—whether it be press employees only, a combined unit of press and pre-press employees, or an overall production unit—is appropriate. We will, however, accord appropriate weight to the long-standing precedent that the "traditional lithographic" unit in the printing industry is a combined unit of press and pre-press employees.⁶

Applying these principles here, we find that our decision in this case is controlled by the Board's decision in *Moore Business Forms, Inc.*, 216 NLRB 833, 834 (1975). As in *Moore*, we do not find that a separate press employee unit, apart from the pre-press employees, is appropriate.

Press employees regularly enter the pre-press room to search for a missing plate or job bag. In addition, press employees consult the pre-press department whenever adjustments to the plates are needed. If a problem arises on the night shift when there is no pre-press supervisor on duty, a press employee will enter the pre-press room to help solve the problem. In such a situation, the press employee will go as far as to make plates, if necessary.

Based on notably similar facts, the Board in *Moore* concluded that the pressmen alone do not constitute an appropriate unit, as they "comprise but a segment of the lithographic production employees employed by the Employer." There is no meaningful distinction between the

⁴ *Journal-Times*, 209 NLRB 745 (1974); *Continental Can*, 171 NLRB 798 (1968).

⁵ *Continental Web*, 262 NLRB 1395 1396 (1982), enf. denied 742 F.2d 1087 (7th Cir. 1984); *NTA Graphics Inc.*, 307 NLRB No. 224 (1992) (not reported in Board volumes), enf. granted 996 F.2d 1216 (6th Cir. 1993) (unpublished), cert. granted 510 U.S. 1162 (1994), vacated due to disclaimer of interest 316 NLRB 25 (1995).

⁶ In *Continental Web Press, Inc. v. NLRB*, 742 F.2d at 1092, the court disagreed with the Board's finding that a pressman only unit was appropriate. The court said that the Board "apparently has reversed a long-established presumption in favor of combining pressmen and preparatory employees into a single unit of lithographic production workers." In light of the many occasions on which the Board had found a combined press and pre-press unit to be appropriate, and the Board's use of the denotation "traditional lithographic unit" to describe the press and pre-press grouping, we can understand the court's language and the use of the term "presumption." However, we respectfully suggest that the Board has not applied a "presumption" in favor of such units. Rather, as we do here, we give appropriate weight to the precedent and to the traditional nature of the press/pre-press unit.

present case and *Moore* and the prior cases finding appropriate the “traditional” lithographic unit of press and pre-press employees, and, accordingly, we find that the petitioned-for press-only unit does not constitute an appropriate unit.⁷

Further, like the Board in *Moore*, we disagree with the Employer’s contention that a production and maintenance grouping is the only appropriate bargaining unit. Under the facts involved here, a “traditional” unit consisting of press and pre-press employees is appropriate for collective-bargaining purposes. As in *Moore*, there is insufficient cohesiveness between all members of the Employer’s production and maintenance department so as to require inclusion of the other production and maintenance employees in the combined press and pre-press unit. Although the Employer’s operation is integrated

⁷ The Acting Regional Director’s reliance on *Mirage Casino-Hotel*, 338 NLRB 529 (2002), to support her finding that the press employees constitute an appropriate “craft department” unit is misplaced. The Board has long refrained from applying a craft or departmental analysis to lithographic units. *Shumate, Inc.*, 131 NLRB 98, 99 fn. 6 (1961); *Allen, Lane, & Scott*, 137 NLRB 223, 226 (1962). Further, *Mirage* did not involve printing industry employees.

and there is some contact, interaction, and similarity of terms and conditions of employment among all production and maintenance employees, the press and pre-press employees, who comprise the lithographic production process, have sufficiently distinct skills and working conditions to constitute a separate appropriate unit from the other production and maintenance employees.⁸

In sum, we find that a unit limited to press department employees is not appropriate for the purposes of collective bargaining and that the smallest appropriate unit consists of the traditional lithographic unit of the Employer’s press and pre-press employees.⁹ We therefore remand this case to the Regional Director for further appropriate action.

ORDER

IT IS ORDERED that the Acting Regional Director’s finding that the petitioned-for unit is appropriate is reversed, and that this matter is remanded to the Regional Director for further appropriate action.

⁸ We are not suggesting that an overall production and maintenance unit would necessarily be inappropriate.

⁹ The Union has not indicated whether it would proceed in that unit.