

**Typecraft Press, Inc. and Graphic Communications International Union, Local No. 24, AFL-CIO, Petitioner and General Teamsters, Chauffeurs and Helpers Local 249 a/w International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Petitioner. Cases 6-RC-9389 and 6-RC-9390**

28 May 1985

**DECISION ON REVIEW, ORDER, AND DIRECTION OF ELECTION**

**BY CHAIRMAN DOTSON AND MEMBERS HUNTER AND DENNIS**

On 23 September 1983 the Acting Regional Director for Region 6 issued a Decision and Direction of Elections in the above proceeding in which he found that the appropriate unit in Case 6-RC-9389 consisted of all full-time and regular part-time lithographic production employees, including camera, web press, and sheetfed press department employees employed by the Employer at its Pittsburgh, Pennsylvania facility.<sup>1</sup> The Acting Regional Director also found that the appropriate unit in Case 6-RC-9390 consisted of all full-time and regular part-time drivers employed by the Employer at that facility.<sup>2</sup> Accordingly, he directed that elections be held among employees in the above-described units.

The Employer thereafter timely filed with the Board a request for review of the Acting Regional Director's decision contending that the only appropriate unit for collective-bargaining purposes was a plantwide unit consisting of all its employees. Alternatively, it argued that if a lithographic production employees unit is deemed to be appropriate, as found by the Acting Regional Director in Case 6-RC-9389, then such unit should include its typesetting and paste-up department employees who, it contends, share a community of interest with other employees in that unit. It further argued that, contrary to the Acting Regional Director's finding in Case 6-RC-9390, its drivers do not share a distinct community of interest apart from other nonlithographic production employees as to warrant their inclusion in a separate bargaining unit.

By telegraphic order dated 25 October 1983, the Board granted the Employer's request for review both in Case 6-RC-9389 and in Case 6-RC-9390. However, in Case 6-RC-9389 review was limited solely to the question of whether the Employer's

paste-up and typesetting employees should be excluded from the lithographic unit found to be appropriate by the Acting Regional Director.<sup>3</sup>

The Board has reviewed the entire record in this case with respect to the issues under review and makes the following findings.

The Employer is engaged in the printing, collating, and bindery of various local shopping newspapers and student newspapers at its facility in Pittsburgh, Pennsylvania. GCIU Local No. 24, the Petitioner in Case 6-RC-9389, urges us to affirm the Acting Regional Director's finding that the appropriate unit in this case should include only the camera, web press, and sheetfed press employees employed by the Employer.<sup>4</sup> Similarly, Teamsters Local 249, the Petitioner in Case 6-RC-9390, urges us to affirm the Acting Regional Director's finding that a unit composed solely of truckdrivers employed by the Employer constitutes an appropriate unit for collective-bargaining purposes. The Employer, on the other hand, contends that the lithographic unit which the Acting Regional Director found to be appropriate in Case 6-RC-9389 should include its paste-up and typesetting employees and that a unit consisting solely of truckdrivers, as found in Case 6-RC-9390, is not appropriate. We agree with the Employer.

The Employer is owned and operated by three brothers, Edward, John, and Michael Major, and a brother-in-law, Bernard Klein. Its operations are located on two separate floors and are broken down into several different departments each of which is supervised by a working foreperson with authority to direct and discipline employees.<sup>5</sup> The second floor of the Employer's facilities contains the typesetting, paste-up, and camera departments, where all the pre-press operations are performed, as well as the clerical and customer areas. The first floor contains the web press and sheetfed press departments, where the actual press work is performed, the bindery department where the finished product is trimmed, cut, collated, folded, stitched, or otherwise assembled. The Employer's drivers,

<sup>3</sup> Chairman Dotson would have granted the Employer's request for review in Case 6-RC-9389 regarding its contention that the only appropriate unit for collective-bargaining purposes is a plantwide unit consisting of all its employees, but he agrees with his colleagues on the disposition of the limited issues covered by the present Decision on Review.

<sup>4</sup> GCIU Local No. 24 initially sought to include in the lithographic unit the Employer's bindery department employees, but agreed at the hearings to proceed to an election if the latter employees were excluded from the requested unit. The Acting Regional Director found that the bindery department employees should not be included in any lithographic unit found to be appropriate. GCIU Local No. 24 has not excepted to this finding. It has, however, expressed an interest in representing any unit, other than a wall-to-wall unit, found to be appropriate by the Board.

<sup>5</sup> The parties stipulated that the Major brothers and Bernard Klein, as well as the working forepersons, are supervisors within the meaning of Sec. 2(11) of the Act.

<sup>1</sup> He excluded from this unit all typesetting, paste-up, bindery, and shipping department employees, office clerical employees, guards, professional employees, and supervisors as defined in the Act.

<sup>2</sup> From this unit, the Acting Regional Director excluded all camera, web press, and sheetfed press department employees as well as those employees excluded in Case 6-RC-9389.

whose main function appears to be the wrapping, loading, and delivering of finished products to customers,<sup>6</sup> and who constitute the shipping department, are also based on the first floor. The Employer's lunchroom is also situated on the first floor.

The record reveals that, in the normal course of its operations, a typical printing job will be acted on by each of the Employer's departments before it is completed and shipped to the customer. Thus, a job order is either phoned in or brought in by customers to the clerical department, where the billing is prepared. From there, the job order is forwarded to the typesetting department where typesetters use computers to mechanically set the type. The typeset copy is then carried by a typesetter to the paste-up department where it is photographed, stripped, and prepared into a printing plate by paste-up employees. The printing plate is then sent either to the web press or sheetfed press department, depending on the nature of the work to be performed. When the printing work is completed, the finished product is sent to the bindery department where it is collated, folded, and generally prepared for shipment, after which it is loaded onto the Employer's trucks and delivered to the customer by the drivers in the shipping department.

The record, in our view, clearly establishes that the paste-up employees share a sufficient community of interest with employees in the unit found appropriate by the Acting Regional Director in Case 6-RC-9389 to warrant their inclusion in that unit. Like the employees in that unit, paste-up employees are hired by the Employer with little or no printing experience and are trained on the job in the department to which assigned. They receive the same wage scale and benefits that unit employees receive, share common facilities with them, and like all other employees must punch a timeclock.

The record further reveals a significant amount of interchange between the paste-up employees and the camera department employees who, as noted, form part of the bargaining unit. Thus, during the Employer's peak season, which lasts approximately 8 months, the paste-up employees work side by side with the camera department employees preparing layouts and positioning forms for college newspapers. During this period, camera department employees perform traditional paste-up work approximately six to seven times per week. The record indicates that paste-up employees are required to learn how to use the equipment in the camera de-

partment and that employees in both departments "move back and forth" between departments.

Further, although there is, as noted, a working foreperson in each department directing the work, the record indicates that the camera, paste-up, and typesetting departments are under the intermediate supervision of Bernard Klein and that he, along with the three Major brothers, handle all the personnel and labor-related matters affecting employees in every department. Thus, regardless of which department they are in, an employee's evaluation or wage increase, for example, is determined solely by the Major brothers and Klein collectively, not the individual foreman.

In light of the above facts, we conclude that the paste-up employees share a sufficient community of interest with the employees in the petitioned-for unit in Case 6-RC-9389. Accordingly, we shall include them in the unit.<sup>7</sup>

Additionally, on the record before us we find, in agreement with the Employer, that the typesetters should also be included in the unit. Like other unit employees, the typesetters are hired with little or no experience and receive on-the-job training in the department to which assigned. They receive the same wage scale and benefits as unit employees, share common facilities with them, and must also punch a timeclock. Further, the record clearly indicates, and indeed the Acting Regional Director found, that the typesetters have "substantial daily contact and interchange" with the paste-up employees who, as noted, form part of the bargaining unit, and that they frequently assist one another in the performance of their respective tasks. Thus, the typesetters help prepare galleys in the paste-up department and the paste-up employees will often operate the computers in the typesetting department. Further, according to John Major's undisputed testimony, camera department employees also help in the typesetting or paste-up departments on a "pretty frequent" basis.

In view of the above we find, contrary to the Acting Regional Director, that the typesetters share a sufficient community of interest with the petitioned-for employees in Case 6-RC-9389 and shall, likewise, include them in the unit.<sup>8</sup>

<sup>7</sup> Contrary to the Acting Regional Director, the Board has previously found that paste-up employees constitute part of the lithographic production process and has included them in bargaining units with other lithographic production employees. See *Nowels Publications*, 219 NLRB 222 (1977), *Paramount Press*, 187 NLRB 586 (1970), *Printing Industry of Seattle*, 116 NLRB 1883 (1956).

<sup>8</sup> In *Nowels Publication*, supra, cited by the Acting Regional Director in his decision, typesetters were excluded from a bargaining unit of lithographic production employees because of a lack of interchange and contact between both groups of employees. However, the Board in that case did find that one typesetter, who spent a significant amount of time with

<sup>6</sup> The number of employees in each department are as follows: clerical department (6), typesetting department (9), paste-up department (18), camera department (7), web press department (21), sheetfed press department (3), bindery department (3), drivers (5).

Finally, we agree with the Employer that the drivers whom Teamsters Local 249 seeks to represent in Case 6-RC-9390 do not constitute such a functionally distinct group to warrant their inclusion in a bargaining unit separate and apart from the other nonlithographic employees. The record clearly shows that, in addition to their driving duties, drivers are often required to assist employees in the bindery department and to perform such other duties as hauling trash, cleaning up, and delivering messages. Although it is unclear from the record how much time is spent by the drivers in the performance of these nondriving duties, according to Edward Major's uncontradicted testimony only 55 percent, or at most 60 percent, of the drivers' time is actually spent on driving. Presumably, the remaining portion of the drivers' working time is spent on the above nondriving duties which inevitably bring them in contact with the bindery department and other employees. Further, it is undisputed that the drivers receive the same wages and fringe benefits as the nondriving employees, share the same facilities, work the same hours, and, like all other employees, are evaluated and generally supervised by the Major brothers and Bernard Klein. Under these circumstances, we find that the Employer's drivers do not share a community of interest sufficiently distinct from the other nonlith-

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paste-up and camera department employees, shared a community of interest with those employees and included her in the unit. Like the one typesetter in *Nowels*, the typesetters here, as noted, have substantial daily contact and interchange with the paste-up employees and their inclusion in the unit is therefore appropriate. The other cases cited by the Acting Regional Director are distinguishable in that they do not raise the question of whether typesetters or paste-up employees should be included in a lithographic production unit.

ographic employees to warrant the establishment of a separate unit of drivers, as sought by Teamsters Local 249. Having found a unit of drivers to be inappropriate, and because Teamsters Local 249 has indicated that it has no interest in representing a unit other than that petitioned for, we shall order that the petition in Case 6-RC-9390 be dismissed.

However, since GCIU Local No. 24 has expressed a willingness to proceed to an election in a broader unit found appropriate in Case 6-RC-9389, we shall direct that an election be held in Case 6-RC-9389 among employees in the unit which we find appropriate, as described below:<sup>9</sup>

All full-time and regular part-time lithographic production employees, including typesetting, paste-up, camera, web press, and sheetfed press department employees employed by the Employer at its Pittsburgh, Pennsylvania facility, excluding bindery department employees, shipping department employees (truckdrivers), office clerical employees, guards, professional employees, and supervisors as defined in the Act.

#### ORDER

The petition in Case 6-RC-9390 is dismissed.

[Direction of Second Election omitted from publication.]

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<sup>9</sup> As the unit we find appropriate in Case 6-RC-9389 is larger than that requested, the Petitioner is accorded a period of 10 days in which to submit the requisite showing of interest to support an election. In the event the Petitioner does not wish to proceed to an election, it may withdraw its petition without prejudice by notice to the Regional Director within 7 days from the date of this Decision on Review, Order, and Direction of Election.