

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8**

FRANZEN GRAPHICS-OHIO LLC

Employer/Petitioner

Case No. 8-UC-405

**GCIU a/w GRAPHIC COMMUNICATIONS
INTERNATIONAL UNION LOCAL NO. 546M**

Union

DECISION AND ORDER

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended, careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned Regional Director.

Upon the entire record in this proceeding, I find:

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.

The Union is a labor organization within the meaning of the Act and represents the Employer's finishing department employees, excluding all foremen and supervisors.

The Employer filed the instant petition on January 8, 2008. Pursuant to the petition, the represented unit is comprised of first pressmen and lead cutter positions and the petitioner is seeking to remove these positions from the bargaining unit.^{1[1]} No other information or support was submitted for the petition.

Section 102.61(d) of the Statement of Procedures and Rules and Regulations sets forth the requirements which must be met when a

^{1[1]} In a subsequent writing, discussed infra, the Employer refers to first pressman as "head pressman".

clarification of a bargaining unit is sought. The Employer failed to meet the requirements set forth in Section 102.61(d). On January 11, 2008, the Employer was given 48 hours to correct those deficiencies, but failed to do so.

Preliminary investigation reveals that the bargaining relationship between the parties was established through voluntary recognition. The contract provides that the unit is comprised of all employees of the Finishing Department, excluding foremen and supervisors. The contract expired on June 30, 2007, and the parties are currently engaged in negotiations.

By letter dated January 15, 2008, the Employer submitted additional information in support of the petition in an attempt to correct the deficiencies to the initial filing. The Employer submits that there are 19 persons in the bargaining unit. The Employer proposes that three unidentified employees employed as "head pressmen" and one unidentified employee employed as a "lead cutter" be removed from the unit as these persons possess "more supervisory" authority or status than the rest of the unit. No other information was provided.

In Union Electric Co., 217, NLRB 666, 667 (1975) the Board held that:

Unit clarification, as the term itself implies, is appropriate for resolving ambiguities concerning the unit placement of individuals, who, for example, come within a newly-established classification of disputed unit placement or, within an existing classification which has undergone recent, substantial changes in the duties and responsibilities of the employees in it so as to create a real doubt as to whether the individuals in such classification continue to fall within the category - excluded or included - that they occupied in the past.

The Employer failed to submit the identities of persons in issue. No evidence was presented that the persons in issue come within a newly-established classification or within an existing classification which has undergone recent, substantial changes. In support of the petition, the Employer provides nothing more than a bare assertion that the unidentified persons in issue possess "more supervisory" authority or status than others in the unit. Accordingly, the Petitioner's submission in support of the petition is insufficient to invoke the Board's processes.

Based on the above, I shall dismiss the Petition filed in this matter.

ORDER

IT IS HEREBY ORDERED that the petition be dismissed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. If a party wishes to file a request for review electronically, guidance for E-filing can be found on the National Labor Relations Board web site at www.nlr.gov. On the home page of the website, select the E-Gov tab and click on E-Filing. Then select the NLRB office for which you wish to E-File your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed. This request must be received by the Board in Washington by February 6, 2008

Dated at Cleveland, Ohio this 23rd day of January 2008.

/s/ Frederick J. Calatrello

Frederick J. Calatrello, Regional Director
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