

In the Matter of NEW YORK WIRE CLOTH COMPANY and INTERNATIONAL  
ASSOCIATION OF MACHINISTS, DISTRICT NO. 98, A. F. L.

*Case No. 4-R-1302.—Decided February 17, 1944*

*Messrs. Fisher, Ports & May, by Mr. Ralph F. Fisher, of York, Pa.,  
for the Company.*

*Mr. R. Richard Ebersole, of York, Pa., for the IAM.*

*Mr. Arthur F. Johnston, of York, Pa., for the Steelworkers.*

*Mr. David V. Easton, of counsel to the Board.*

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, District No. 98,<sup>1</sup> A. F. L., herein called the IAM, alleging that a question affecting commerce had arisen concerning the representation of employees of New York Wire Cloth Company, York, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. Said hearing was held at York, Pennsylvania, on January 20, 1944. The Company, the IAM, and United Steelworkers of America, District No. 11, affiliated with the Congress of Industrial Organizations, herein called the Steelworkers, appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

New York Wire Cloth Company, a Delaware corporation, is engaged in the manufacture of insect screen cloth. For this purpose it operates a single plant located at York, Pennsylvania, which is

<sup>1</sup> At the hearing, the Trial Examiner, after adducing evidence thereon, ordered the amendment of all papers in the instant proceeding to reflect the district involved.

comprised of several connected buildings in and about the vicinity of East Market Street and an additional building used for its wire drawing operations located in the same city but approximately three-fourths of a mile from the other buildings. All steel and plastics used in the operations of the Company are imported from points outside the State of Pennsylvania. During the past fiscal year the value of raw materials used by the Company and obtained from points outside the State of Pennsylvania was in excess of \$100,000; and within the same period, the Company produced 65,595,000 square feet of screen cloth valued at \$1,616,372.26, of which 95 percent was shipped to points outside the State of Pennsylvania.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATIONS INVOLVED

International Association of Machinists, District No. 98, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

United Steelworkers of America, District No. 11, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE ALLEGED APPROPRIATE UNIT

The IAM, in its petition, sought to represent a unit comprised of all production and maintenance employees of the Company, excluding salaried, clerical, and supervisory employees; however, at the hearing, it contended that its petition included therein only employees engaged at the wire drawing plant of the Company, which as hereinbefore indicated, is physically separated from the Company's other operations. Both the Company and the Steelworkers urge that a unit comprised solely of the wire drawing plant is inappropriate, contending that all production and maintenance employees of the Company, both in the main plant and the wire drawing plant comprise the proper unit. No disagreement exists among the parties with respect to specific composition of the unit.

The Company is engaged solely in the manufacture of protective screen cloth. Up until approximately 10 years ago, it obtained the drawn wire used in its manufacturing from outside sources; at that time, however, it set up its own wire drawing plant. Since no space was available within the immediate vicinity of its operations, the Company was forced to take space at a considerable distance therefrom. All products of the wire drawing plant are destined for use in the main plant,<sup>2</sup> and said plant is considered by the Company as merely a single

<sup>2</sup> The record reveals two isolated instances wherein products of the wire drawing plant were utilized by parties other than the Company herein. It further shows, however, that

department performing one of the operations necessary in the manufacture of its product. The general policies of the Company with respect to seniority, vacations, and other conditions of employment uniformly affect all its employees, including those engaged at the wire drawing plant. All work in connection with accounting, auditing, billing, pay rolls, and purchasing, is performed at the main plant for the Company as a single entity. Supervision of both the main plant and the wire drawing plant is centralized in the hands of a general superintendent and an assistant general superintendent; the latter, although performing many of his duties in the wire drawing plant, has responsibilities extending to all operations of the Company. All maintenance work, with few exceptions, is centered in the main plant, wherein most of the maintenance employees are stationed. Interchanges of personnel between departments in the main plant and the wire drawing plant are not infrequent, the record indicating that within the 3 months preceding the hearing herein approximately one-fourth of the total employees engaged in the wire drawing plant were interchanged with employees at the main plant.

The foregoing circumstances indicate the existence of the same functional relationship between the wire drawing employees and the remaining employees of the Company as exists between those in any of the other departments of the Company. In view of this, we see no reasonable basis for separating the employees engaged in wire drawing from the remaining employees of the Company, particularly since one of the labor organizations involved herein is in the process of organizing the employees on a company-wide basis. Accordingly, we find that the unit sought in the petition herein is inappropriate for the purposes of collective bargaining.

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as indicated in Section III, above, the bargaining unit sought to be established by the petition herein is inappropriate for the purposes of collective bargaining, we find that no question concerning the representation of employees in an appropriate unit has been raised. Accordingly, we shall dismiss the petition herein.

#### ORDER

Upon the basis of the findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of employees of New York Wire Cloth Company, York, Pennsylvania, filed by International Association of Machinists, District No. 98, affiliated with the American Federation of Labor, be, and it hereby is, dismissed.

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both transactions were surrounded by exceptional circumstances not related to the general business of the Company.