

In the Matter of HARRY M. SENSENICH, MARTIN M. SENSENICH, FANNIE M. SENSENICH, AND HETTIE M. SENSENICH, TRADING AND DOING BUSINESS AS SENSENICH BROTHERS *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, A. F. OF L.

Case No. 4-R-1289.—Decided March 17, 1944

Mr. Paul A. Mueller, of Lancaster, Pa., for the Company.

Mr. Stanley N. Lentz, of Philadelphia, Pa., and *Mr. George R. Coffroad*, of Lancaster, Pa., for the Union.

Mr. Armin Uhler, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Harry M. Sensenich, Martin M. Sensenich, Fannie M. Sensenich, and Hettie M. Sensenich, trading and doing business as Sensenich Brothers, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Fred G. Krivonos, Trial Examiner. Said hearing was held at Lititz, Pennsylvania, on January 21, 1944. The Company and the Union appeared and participated. All parties 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. The Company and the Union filed briefs which the Board has considered.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Sensenich Brothers is a partnership composed of Harry M. Sensenich, Martin M. Sensenich, Fannie M. Sensenich, and Hettie M.

Sensenich. The Company has its principal office at Lititz, Pennsylvania, and it maintains two plants, one at Lititz and one at Lancaster, Pennsylvania, for the manufacture of wooden airplane propellers. During the past year, 75 percent of the raw materials used by the Company, valued at more than \$250,000, was shipped to its plants from outside the Commonwealth of Pennsylvania. During the same period, 95 percent of the Company's finished products, which exceeded \$1,000,000 in value, was shipped to points outside the Commonwealth of Pennsylvania.

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

II. THE ORGANIZATION INVOLVED

International Association of Machinists, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The Union contends that a unit limited to employees of the Company's Lititz plant is appropriate. The Company is opposed to such a unit and alleges that the close integration of its Lititz and Lancaster plants requires the inclusion of both in a single unit.

The record shows that prior to 1942 all of the Company's manufacturing operations were carried on at Lititz where the Company has been permanently established since 1940. In September 1942 orders from the United States Government brought about a substantial increase in business necessitating an expansion of facilities. Additional factory space was leased for this purpose at Lancaster to which several departments were then transferred.¹ The Company considers the present arrangement as a temporary measure and it contemplates the return of these departments to the Lititz plant as soon as Government orders decline and business contracts to its normal proportions.

Under present conditions the Company's operations and manufacturing processes begin at the Lititz plant. Lumber is received at Lititz and is stored at the Company's lumber yard. It is then moved to the assembly department for processing. After the lumber has been kiln-dried, laminations are laid out, provided with hub borings and inspected. This is followed by joining, planning, and gluing operations. In the next department the propellers are profiled, seasoned, and then stored. From there they move successively through the carving and finishing departments. In the latter, the propellers are pro-

¹ The second yearly term of the lease of the Lancaster establishment expires in September 1944.

vided with fabric, painted, and varnished. A final inspection completes the operations performed at the Lititz plant. The partially finished propellers are transported by truck² to Lancaster. There, after being again inspected, they enter, in the order mentioned, the metal tipping, balancing, finishing,³ and hub installation departments. The finished propellers undergo final inspection and are then sent to the packing and shipping department.

The several departments of the Lititz and Lancaster plants have their individual foremen and assistant foremen. However, production is under the over-all supervision of the Lititz production manager from whom the Lancaster production manager receives his orders. While the various operations of which the continuous manufacturing process consists are divided between the Company's two plants as outlined above, certain of the departments overlap and there is a steady interchange of Lititz and Lancaster employees in classifications within the alleged unit.⁴ The repair sales department which is located in the Lancaster plant includes several skilled carvers who are stationed in the Lititz carving department and who are sent to Lancaster whenever repair operations call for their services.⁵ The situation in the case of the maintenance department is similar. This department has its location and supervision at the Lititz plant and it services the Lancaster plant either through an employee who is stationed there, or by sending employees from Lititz when needed. The finishing department also is divided and is partly located in the Lititz and partly in the Lancaster plant, operations in the two sections being substantially identical.⁶

The evidence indicates that labor shortages at the Lititz plant are generally supplied by temporary transfers of excess personnel which periodically becomes available at Lancaster. Transfers at the request of the Lititz department heads are made for periods varying in length from several hours to 3 weeks. Employees are frequently requisitioned from Lancaster for the purpose of unloading materials at the Company's Lititz siding and transporting them to the Lititz plant. Other temporary transfers are occasioned by the constantly changing needs for inspectors at various points in the production line. While both Lititz and Lancaster have separate staffs of inspectors, the uneven flow of production often necessitates the shifting of inspectors from

² The Company's truck makes from one to three trips per day to maintain a constant flow of propellers from Lititz to Lancaster.

³ Finishing operations at the Lancaster plant include varnishing, sanding, application of decalcomania, and spray varnishing.

⁴ The parties are in agreement that, whatever its geographical scope, the unit should include all production and maintenance employees, excluding foremen, assistant foremen, supervisors, office and clerical employees, engineers, draftsmen, guards, and janitors.

⁵ The repair department comes under the sales department which is located at Lititz.

⁶ The record does not refer to any specific instances of interchange of finishing employees between the two sections.

one plant to the other. In the aggregate, operations during the 6-month period preceding the hearing required approximately 75 temporary transfers of the above types.

The Company carries the employees at the two plants on a single pay roll. The record does not disclose any differences in the employment policies, working conditions, and wage scales applicable respectively to the Lititz and Lancaster plants.⁷

As to the present state of organization of the Company's employees the evidence indicates that the Union, in September 1943, commenced and subsequently carried on organizational activities exclusively at the Lititz plant.⁸ It appears that the Union was successful in securing at least 27 designations during the first month, and that during the following 4 months organization progressed steadily at the rate of from 2 to 9 additional designations per month. At the time of the hearing the purported membership of the Union was slightly in excess of 30 percent of the employees at the Lititz plant. On the other hand, there is nothing in the record to indicate that organization of the employees at the Lancaster plant would not succeed and progress similarly if attempted.⁹

Under all the circumstances, and particularly in view of the interrelation of the Company's Lititz and Lancaster plants as exemplified by the extent and complexity of the interchange of employees between them,¹⁰ as well as the inconclusive state of organization, we find that the unit proposed by the Union is inappropriate. We shall, therefore, dismiss the petition herein without prejudice. Our finding concerning the unit alleged in the present petition, however, does not preclude the reinvestigation by the Board of the appropriateness of a similar unit upon a new petition supported by a showing of material changes in the circumstances which underlie our Decision herein.¹¹

⁷ Cf. *Matter of Metal Office Furniture Company*, 51 N. L. R. B. 993.

⁸ In support of its petition the Union, as reported by the Regional Director, submitted 76 application and designation cards, 49 of which bore the apparently genuine original signatures of employees whose names appear on the Company's pay roll of December 11, 1943. This pay roll contains the names of 175 employees in the alleged appropriate unit. Of the 49 cards, 27 were dated in September, 7 in October, 2 in November, and 9 in December 1943. Four cards were undated.

At the hearing the Union submitted four additional application cards bearing like signatures of employees in the unit claimed and listed on the Company's December 11, 1943, pay roll. These cards were dated in January 1944.

⁹ Cf. *Matter of Metal Office Furniture Company*, *supra*; *Matter of Standard Overall Company*, 53 N. L. R. B. 960.

¹⁰ Cf. *Matter of Standard Overall Company*, *supra*.

¹¹ While a prior determination by the Board that a certain unit is or is not appropriate will be given great weight by the Board in a later representation proceeding involving the same industry, such a determination is not conclusive, especially where it has not become the basis of a certification or of collective bargaining. See *Matter of Kentucky Fluorspar Company*, 52 N. L. R. B. 227.

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since the bargaining unit sought to be established by the petition is not appropriate as found in Section III, above, we find that no question has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) of the National Labor Relations Act.

ORDER

IT IS HEREBY ORDERED that the petition for investigation and certification of representatives of employees of Harry M. Sensenich, Martin M. Sensenich, Fannie M. Sensenich, and Hettie M. Sensenich, trading and doing business as Sensenich Brothers, Lititz, Pennsylvania, filed herein by International Association of Machinists, A. F. of L., be, and it hereby is, dismissed.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Order.