

In the Matter of THE TERRELL MACHINE COMPANY *and* INTERNATIONAL
ASSOCIATION OF MACHINISTS, LOCAL No. 263, A. F. OF L.

Case No. 5-R-1567.—Decided July 14, 1944

Mr. Frank H. Kennedy and Mr. Goebel Porter, of Charlotte, N. C.,
for the Company.

Mr. F. T. Cornelius, of Charlotte, N. C., for the Union.

Mr. Joseph Lepie, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon an amended petition duly filed by International Association of Machinists Local No. 263, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Terrell Machine Company, Charlotte, North Carolina, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George L. Weasler, Trial Examiner. Said hearing was held at Charlotte, North Carolina, on May 24 and 25, 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. 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

The Terrell Machine Company, a North Carolina corporation having its principal office and place of business in Charlotte, North Carolina, is engaged in the manufacture, sale, and shipment of textile machinery and textile machinery parts. The Company operates three

plants, two of which are located in Charlotte, North Carolina, and one in Crossnore, North Carolina. During the year 1943, the Company purchased raw materials exceeding \$25,000 in value, of which more than 25 percent was shipped to the Company from points outside the State of North Carolina. During the same period, the Company's finished products exceeded \$25,000 in value, of which more than 25 percent was shipped to points outside the State of North Carolina.

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, Local No. 263, 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 all production and maintenance employees of the Company's Church Street plant, with certain exclusions, constitute an appropriate unit. The Company urges that the proposed unit is inappropriate and that the employees at all of its three plants comprise the appropriate unit.

The Company's Church Street and Mint-Palmer plants¹ are located in Charlotte, North Carolina, about 1½ miles apart. The Crossnore plant, known as the wood working shop, is located in Crossnore, North Carolina, which is 125 miles from Charlotte. The Company manufactures bobbin cleaning machinery, conveying equipment, machine parts, and war material at the Church Street plant. At the Mint-Palmer plant, the Company manufactures tools, intricate knives, and equipment and parts for textile machinery.

The Company maintains its offices at the Church Street plant where all records are kept, with the exception of some production records which the foremen of the other plants retain in their respective offices. All three plants are operated under the supervision of a general manager, although each plant is under the immediate direction of a foreman. The Company pays uniform wages for similar skill at all its plants. There has been some interchange of employees between the Church Street plant and Mint-Palmer plant.

While self sufficient to a considerable degree, the Church Street plant is dependent on the Mint-Palmer plant for the completion of 25 percent of its work. Likewise, the Mint-Palmer plant is depend-

¹ The Mint-Palmer plant is mentioned in the record as the Mint Street and Palmer Street plant.

ent on the Church Street plant for the completion of 25 percent of its work. Such interdependency between these two plants is necessitated by the fact that for some of the finishing operations each plant requires the use of special machines available at the other plant. With respect to the two Charlotte plants, finished products are usually shipped from the plant in which they are completed, although some are returned to the plant from which they came for an at-source inspection as required by war contracts. Moreover, raw materials used at the Church Street plant are frequently stored at the Mint-Palmer plant, and operating supplies for all three plants are stored at both Charlotte plants. In addition, a great many machines are built in the Church Street plant and Mint Street section of the Mint-Palmer plant for ultimate use in the Palmer Street section of the latter plant. There also has been some interchange of machinery between the Charlotte plants. All these facts indicate that a unit of employees of both Charlotte plants is feasible for collective bargaining purposes.

There are approximately 45 employees at the Church Street plant and 61 employees at the Mint-Palmer plant. In support of its amended petition,² the Union submitted 42 authorization cards. Of these cards, 39 are dated in April 1944, and 3 are undated. The record indicates that self-organization progressed rapidly, as evidenced by the dates on the authorization cards, the fact that the Union requested recognition on April 4, 1944, and the additional fact that it filed its original petition on April 20, 1944. There is evidence that the Union accepted into membership 7 employees of the Mint-Palmer plant during its organizational campaign.

In view of the close functional relationship between the two plants, their proximity, and the fact that successful self-organization at the Mint-Palmer plant appears imminent, we perceive no adequate reason at this time for holding that the Church Street plant alone constitutes an appropriate unit. Consequently we shall dismiss, without prejudice, the amended petition filed herein by the Union.³

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as stated in Section III, above, the bargaining unit sought by the Union is inappropriate, we find that no question affecting commerce has arisen concerning the representation of employees of the Company within an appropriate bargaining unit.

² On April 20, 1944, the Union petitioned for a unit of employees of the Church Street plant and the "Mint Street plant." Subsequently, upon learning that the so-called "Mint Street plant" was a section of the Mint-Palmer plant, the Union filed an amended petition limiting the unit to the employees of the Church Street plant.

³ See *Matter of Metal Office Furniture Company*, 51 N. L. R. B. 993.

ORDER

Upon the basis of the foregoing findings of fact the National Labor Relations Board hereby orders that the amended petition for investigation and certification of representatives of employees of The Terrell Machine Company, Charlotte, North Carolina, filed by the International Association of Machinists, Local 263, A. F. of L., be, and it hereby is, dismissed, without prejudice.

Mr. GERALD D. REILLY took no part in the consideration of the above Decision and Order.