

In the Matter of TEXTILE MACHINE WORKS, INC. and UNITED STEEL-
WORKERS OF AMERICA, AFFILIATED WITH THE C. I. O.

Case No. 4-R-1465.—Decided September 26, 1944

Mr. Sylvan Hirsch, of Philadelphia, Pa., and *Messrs. Harry W. Lee*
and *Wellington Bertolet*, of Reading, Pa., for the Company.

Messrs. Andrew Kondrath and *Blair Furman*, of Reading, Pa., for
the Union.

Mr. Philip Licari, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by United Steelworkers of America, affiliated with the C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Textile Machine Works, Inc., Reading, 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 Reading, Pennsylvania, on August 17, 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 introduced 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

Textile Machine Works, Inc., a Pennsylvania corporation, is engaged at Wyomissing, Pennsylvania, in the manufacture of braiding machines and items of ordnance for the armed forces of the United States. The Company uses raw materials consisting, in part, of steel, iron, and brass, most of which is shipped from points outside the State

of Pennsylvania. The Company produces annually goods valued in excess of \$1,000,000, of which 50 percent is 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 ORGANIZATION INVOLVED

United Steelworkers of America, affiliated with the Congress of Industrial Organizations, 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 at the Company's foundry, with certain exclusions, constitute an appropriate unit. The Company urges that the proposed unit is inappropriate, and that the production and maintenance employees engaged throughout its plant, including those at its machine shop as well as its foundry with specified exclusions, comprise the appropriate unit.

The Company's plant is located at Wyomissing, Pennsylvania. Its operations are divided into two main divisions, namely, the machine shop¹ and the foundry. The latter is housed in a separate building located approximately 325 feet from the rest of the plant. There are two superintendents, each in charge of one division, who are responsible to the general manager. The foundry receives all its servicing, maintenance, power, light, and steam from the machine shop. A central office for the plant, under the direction of the general manager, is responsible for all hiring and discharging of personnel as well as for all purchases and sales. All the Company's employees enjoy the same vacation privileges, pension rights, and medical attention. The evidence shows that the Company follows a plan of plant-wide seniority in determining lay-offs and in filling vacancies occurring in either main division. There were some transfers of employees from one division to the other during the past 8 months. The record discloses that a substantial proportion of the goods produced in the foundry is used or finished in the machine shop.

In January 1944 the Union began to organize the employees of the foundry, and, sometime during the spring of 1944, it commenced an organizational campaign among the employees of the machine shop. The Union claims that, in June 1944, it obtained a majority status among the employees of the foundry, and that it intends to establish a local solely for such employees. However, from the facts above set

¹ The machine shop is comprised of various production departments, and also includes the wood-pattern and metal-pattern departments

forth, it appears that a plant wide unit is feasible for collective bargaining purposes, and there is nothing in the record to indicate that organization among the employees in the machine shop has not progressed and will not progress satisfactorily.

In view of the functional relationship between the foundry and the machine shop, the nature of the Company's operations, and the absence of evidence showing that organization of the employees in both its divisions has not progressed and will not progress satisfactorily, we find, that, at this time, the unit sought by the Union, limited to the Company's foundry employees is inappropriate.² 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.³

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since the bargaining unit sought to be established by the petition herein is not at this time appropriate, as found in Section III, *supra*, we find 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 Textile Machine Works, Inc., Reading, Pennsylvania, filed herein by United Steelworkers of America, affiliated with the C. I. O., be, and it hereby is, dismissed.

² See *Matter of Metal Office Furniture Company*, 51 N. L. R. B. 993; *Matter of Harry M. Sensenich, et al.*, 55 N. L. R. B. 566; *Matter of Terrell Machine Co.*, 57 N. L. R. B. 275.

³ See *Matter of Kentucky Fluorspar Company*, 52 N. L. R. B. 227