

In the Matter of THE TERRELL MACHINE COMPANY *and* INTERNATIONAL
ASSOCIATION OF MACHINISTS, A. F. L.

Case No. 5-R-1796.—Decided February 28, 1945.

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

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

Mr. Harold M. Humphreys, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, A. F. L., herein called the A. F. L., 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 January 23, 1945. The Company and the A. F. L. 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 is a North Carolina corporation having its principal office and place of business at Charlotte, North Carolina, where it is engaged in the manufacture, sale, and distribution of textile machinery and textile machine parts. The Company operates three plants, two of which are located in Charlotte, North
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Carolina, and one in Crossnore, North Carolina. During the year 1944, the Company purchased raw materials amounting in value to more than \$25,000, of which in excess of 25 percent was shipped to the Company from points outside the State of North Carolina. For the same period, the Company's finished products amounted in value to more than \$25,000, of which in excess of 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, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the A. F. L. as the exclusive bargaining representative of certain of its employees until the A. F. L. has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The A. F. L. seeks a unit comprised of all production and maintenance employees of the Church Street and Mint-Palmer plants at Charlotte, North Carolina, excluding supervisors of the rank of general foremen and above and all office clerical employees. Contrary to the wishes of the A. F. L., the Company would also include the production and maintenance employees at its Crossnore plant, and exclude foremen, assistant foremen, inspectors, and stockroom employees.

The Company maintains its general offices at Charlotte, North Carolina. Its operations consist of three plants, the Church Street plant and the Mint-Palmer plant, both located in Charlotte, North Carolina, and the Crossnore plant located in Crossnore, North Carolina. The Crossnore plant is known as the wood working plant; there, the Company manufactures wooden blocks from logs, and sends them to the Mint-Palmer plant for further processing. At the Mint-Palmer

¹The Field Examiner reported that the A. F. L. submitted 78 application-for-membership cards, and that there are approximately 100 employees in the alleged appropriate unit.

plant,² the Company manufactures tools, and equipment and parts for textile machinery, while at the Church Street plant, it produces bobbin cleaning machinery, conveying equipment, and machine parts. All three plants are operated under the supervision of a production manager and the Company pays uniform wages for similar skill at all its plants.

The Charlotte plants are 1½ miles apart, and there is considerable interdependency between them. Thus, each relies on the other for the completion of certain finishing operations. In addition, 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. Moreover, prior to the acquisition of the Crossnore plant, located 125 miles from the Charlotte plants, the Company purchased the materials now manufactured there from other sources, and it appears that, in the event the Crossnore plant should cease operations, it would not necessitate the shutting down of the Charlotte plants. In a prior representation proceeding initiated by the Union wherein it sought a unit confined to employees of the Church Street plant, the Board, in dismissing the petition, stated, “. . . a unit of employees of both Charlotte plants is feasible for collective bargaining purposes.”³ We are of the opinion that a unit restricted to the employees of the Charlotte plants is appropriate for the purposes of collective bargaining.

As noted above, the Company's operations are directed by a production manager. Below the production manager in the Company's supervisory hierarchy are general foremen, one at the Church Street plant, and one at each of the two sections of the Mint-Palmer plant.⁴ Foremen work under their respective general foremen, and assistant foremen perform their functions under the supervision of their respective foremen. As previously indicated, both parties agree to the exclusion of the general foremen. Testimony of witnesses for the Company indicates that foremen and assistant foremen have authority effectively to recommend hiring and discharging. We are of the opinion that these employees possess sufficient *indicia* of supervisory authority to warrant their exclusion.

We find no merit in the Company's contention that inspectors and stockroom employees should be excluded from the unit. Inspectors pack and assist in shipping, in addition to their inspection functions. Stockroom employees are employed in the stockroom which is located in the plant. These employees stock the shelves of the stockroom, check tools in and out, and keep records of such work. The inspectors

² The Mint-Palmer plant is composed of two divisions, known as the Mint-Street section and the Palmer Street section.

³ *Matter of The Terrell Machine Company*, 57 N. L. R. B. 275.

⁴ There is also a general foreman at the Crossnore plant.

and stockroom employees work the same hours and are paid on the same basis as the production employees. Neither the inspectors nor the stockroom employees appear to have any supervisory authority. We shall include them in the unit.

We find that all production and maintenance employees of the Company's Church Street and Mint-Palmer plants at Charlotte, North Carolina, including inspectors, and stockroom employees, but excluding office clerical employees, foremen, and assistant foremen, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with The Terrell Machine Company, Charlotte, North Carolina, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fifth Region, acting in this matter as agent for the National Labor Relations Board and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by International Association of Machinists, A. F. L., for the purposes of collective bargaining.