NORTHCROSS MACHINE MANUFACTURING COMPANY[1] *and* INTERNATIONAL ASSOCIATION OF MACHINISTS, TALBOT LODGE NO. 61, PETITIONER. *Case No. 32–RC–298. May 16, 1951*

Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, hearings were held before Charles A. Kyle and Anthony J. Sabella, hearing officers. The hearing officers' rulings made at the hearings are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Reynolds and Houston].

Upon the entire record in this case, the Board finds:

Northcross Machine Manufacturing Company, the Employer, is a partnership enterprise owned by Leon M. Northcross and Wilson J. Northcross, brothers. It is engaged in general machine shop work in and about Memphis, Tennessee, where it maintains its sole place of business. With a total complement of five nonsupervisory employees, it takes small orders for the repair and rebuilding of miscellaneous machines. During the calendar year 1950, the Employer purchased materials and supplies valued at $6,942, of which $895 was paid for shipments originating outside the State of Tennessee. During the same period, its total sales amounted to $43,268, of which all but approximately 4 percent were made locally.

The Employer contends that the operations of the Northcross Machine Manufacturing Company do not affect interstate commerce, or at best not sufficiently to justify the Board's assertion of jurisdiction in this proceeding, and that therefore the petition should be dismissed. Without deciding whether the business of the Northcross Machine Manufacturing Company affects commerce within the meaning of the National Labor Relations Act, we find, in accordance with the Board's recently enunciated jurisdictional policy, that it would not effectuate the policies of the Act for the Board to assert jurisdiction in this case on the basis of the operations of that company alone.[2]

The Petitioner maintains that the Employer's operations must be viewed together with two other business enterprises also owned in partnership by the Northcross brothers. These are the Northcross Mantel & Grate Company and the Northcross Tile & Marble Company, doing business in the city of Memphis at another location. The first of these companies sells flooring material and lighting fixtures at wholesale and retail; the second does a contracting business installing

[1] The name of the Employer appears as amended at the hearing.

[2] *The Dayson Bedding Co.*, 91 NLRB 643; *The Stanislaus Implement and Hardware Company, Limited*, 91 NLRB 618.

such materials, and obtains part of its supplies from the Mantel & Grate Company. Apart from the fact that the Northcross brothers own all three companies, the only relationship among them is that the office and administrative work for all three is conducted at a single location, adjacent to the shop of the Employer. In all other respects, the Employer's operations are entirely disassociated from those of the other companies.

During the calendar year 1950, Northcross Mantel & Grate Company purchased raw material valued at $7,568, of which $5,910 was received from outside the State. During the same period, its sales, all made within the State, totaled $55,000, some to individuals and some to commercial accounts. Although Leon M. Northcross testified that some of the materials were sold for eventual use outside the State, the records of this company do not reveal which of its numerous customers do business across State lines, or what portion of its sales was made to customers who came to its retail store from outside the State of Tennessee.

In 1950, Northcross Tile & Marble Company purchased materials valued at $66,030, of which $39,250 was received from outside the State. During the same period, its installation contracts totaled $117,840; $82,000 was received for work done for general contractors on buildings in the Memphis area, and the rest for work on local private residences. The only indication that any portion of this company's output might fall into an indirect outflow category, for purposes of testing the Board's jurisdiction, is the fact that some work was performed for such companies as Standard Oil and certain banks. At best the amounts received from these customers did not exceed $10,000.

The foregoing facts relative to the nature and extent of the operations of the three companies owned by the Northcross brothers are all that could be gathered in two separate hearings devoted almost exclusively to investigation of the jurisdictional facts. In these circumstances, we deem it unnecessary to decide whether jurisdiction should be based upon the operations of all three companies, for, assuming the correctness of the Petitioner's contention in this respect, even the aggregate operations of all three fall short of the requirements recently established by the Board for such miscellaneous operations.[3] Accordingly, we find that whether the business of the Northcross Machine Manufacturing Company be viewed alone, or whether it be considered together with the operations of Northcross Mantel & Grate Company and Northcross Tile & Marble Company, it would not effectuate the policies of the Act for the Board to assert jurisdiction in this case. We shall therefore dismiss the petition.

[3] *The Rutledge Paper Products, Inc*, 91 NLRB 625.

Order

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed.

CHRIS-CRAFT CORPORATION *and* LODGE NO. 1757, INTERNATIONAL ASSOCIATION OF MACHINISTS, PETITIONER. *Case No. 7-RC-1188. May 16, 1951*

Decision and Direction of Elections

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Emil C. Farkas, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.[1]

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Murdock, and Styles].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.

2. The labor organizations involved claim to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The Petitioner seeks a unit composed generally of all nonsupervisory production and maintenance employees at the Employer's Cadillac, Michigan, plant. The Employer, Local 2392 of the United Brotherhood of Carpenters and Joiners of America, AFL, hereinafter called the Carpenters, and Local 1484 of the Brotherhood of Painters, Decorators and Paperhangers of America, AFL, hereinafter called the Painters, contend that the unit sought is inappropriate and that, in effect, representation should be on a craft basis. In this connection, the Carpenters would establish a separate unit of all woodworking

[1] At the beginning of the hearing, the hearing officer, over the Employer's objection, granted the Petitioner's motion to amend the unit description by including firemen-watchmen in the requested unit. As the Employer fully presented its position with regard to the unit issue raised by the amendment and has not demonstrated any prejudice, the hearing officer's ruling is hereby affirmed. *Memphis Cold Storage Warehouse Company,* 91 NLRB 1404.

The Employer moved to dismiss the petition, in substance, on the grounds that (1) the Petitioner's showing of interest is inadequate, and (2) the unit sought is inappropriate. As to (1), the Petitioner's showing is a matter for administrative determination and is not litigable by the parties. *Indiana Oxygen Company,* 93 NLRB No. 130. As to (2), for the reasons indicated in paragraph numbered 4, *infra,* this contention is without merit. Accordingly, the Employer's motion is hereby denied.