

Union, in violation of Section 8 (a) (5) and (1) of the Act, and recommending that it cease and desist therefrom and take certain affirmative action, as more fully set forth in the Intermediate Report, copies of which were duly served upon the parties. Thereafter, the Respondent filed exceptions to the Intermediate Report and a supporting brief, and requested oral argument, and the Charging Union filed a statement in support of the Intermediate Report. In view of the basis for our decision, as set forth hereinafter, the Respondent's request for oral argument is hereby denied.

The Charging Union is an affiliate or constituent unit of International Union of Mine, Mill and Smelter Workers (Independent), hereinafter called the International. On February 1, 1955, the Board issued a Determination and Order,<sup>1</sup> determining that the International was not and had not been in compliance with the filing requirements of Section 9 (h) of the Act, and ordering that until the International had complied with such filing requirements, no further benefits under the Act be accorded to the International or to any of its affiliates or constituent units. In view of the foregoing Determination and Order, to promote the objective of national security which underlies the enactment of Section 9 (h) of the Act, and to protect the integrity of the Board's processes, we find that it would not effectuate the policies of the Act now to require the Respondent to bargain with the Charging Union. We shall, accordingly, dismiss the complaint without considering the merits of the Trial Examiner's findings, conclusions, and recommendations.

[The Board dismissed the complaint.]

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<sup>1</sup> *Maurice E. Travis, Secretary-Treasurer, International Union of Mine, Mill and Smelter Workers (Ind.) and Compliance Status of International Union of Mine, Mill and Smelter Workers (Ind.)*, 111 NLRB 422.

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YARDLEY PLASTICS COMPANY *and* FRED W. HANCOCK, PETITIONER *and* LOCAL UNION No. 464, UNITED RUBBER, CORK, LINOLEUM AND PLASTIC WORKERS OF AMERICA, CIO

FREDERICK B. HILL, JR., FREDERICK B. HILL, III *AND* YARDLEY MOLDED PLASTICS, INC., D/B/A E. T. PLASTICS COMPANY *and* ROBERT R. THOMAS, PETITIONER *and* LOCAL UNION No. 464, UNITED RUBBER, CORK, LINOLEUM AND PLASTIC WORKERS OF AMERICA, CIO. *Cases Nos. 9-RD-138 and 9-RD-139. February 7, 1955*

### Decision and Order

Upon separate petitions filed under Section 9 (c) of the National Labor Relations Act, a consolidated hearing was held before Harold M. Kennedy, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in these cases, the Board finds:

1. The Employers are engaged in commerce within the meaning of the National Labor Relations Act.

2. The Petitioners, employees of the respective Employers, assert that the Union is no longer the bargaining representative, as defined in Section 9 (a) of the Act, of the employees designated in the petitions. The Union is the certified and currently recognized representative of employees in a unit which includes those employees designated in the petitions.

3. The Petitioner in Case No. 9-RD-138 seeks to decertify the Union as the collective-bargaining representative of the employees of the Yardley Plastics Company. The Petitioner in Case No. 9-RD-139 seeks to decertify the Union as representative of the employees of the E. T. Plastics Company.

On August 14, 1953, following an election pursuant to a consent agreement, the Union was certified as the collective-bargaining representative for all production and maintenance employees of the Yardley Plastics Company, Yardley Molded Plastics, Inc., E. T. Plastics Company, Hill Brothers Fittings Company, and Industrial Plastic Pipe Company. Thereafter, on December 10, 1953, the five companies entered into a contract with the Union covering the aforementioned production and maintenance employees. That contract expired on December 10, 1954.

At the hearing, the Union moved to dismiss the petitions on the grounds that the units alleged in both petitions were inappropriate and that neither Petitioner made the required showing of interest in the appropriate unit. It contends that only the multiemployer unit it has been representing since certification is appropriate. The Employers state that the proposed units are probably appropriate.

All five of the above-named companies are controlled by Frederick B. Hill, Jr., and members of his family. Personnel, accounting, and purchasing operations are centralized. Four of the companies are located in 3 buildings on 1 plot of land and the Industrial Plastic Pipe Company is located at a site but 2 miles away. The various plants are functionally integrated. All the companies are engaged in the production or sale of plastic products.

In view of the foregoing, including the collective-bargaining history,<sup>1</sup> we determine that no question affecting commerce exists concerning the representation of employees of the Employers within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act. We find that the single-employer units set forth in the petitions are inappropriate. Accordingly, we grant the Union's motion to dismiss.

[The Board dismissed the petitions.]

<sup>1</sup> Cf. *Acryvin Corporation of America*, 107 NLRB 917.