

All our employees are free to become, remain, or refrain from becoming members of the above-named labor organization except to the extent that such rights may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 8(a)(3) of the Act.

HEIGHTS THRIFT-WAY, INC.,
Employer.

Dated----- By-----
(Representative) (Title)

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

If employees have any question concerning this notice or compliance with its provisions, they may communicate directly with the Board's Regional Office, 609 Railway Exchange Building, 17th and Champa Streets, Denver, Colorado, Telephone No. 534-4151, Extension 513.

Worthington Corporation and United Steelworkers of America, AFL-CIO, Petitioner. Case No. 22-RC-2897. October 7, 1965

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Gordon L. Fine. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3(b) of the Act, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Chairman McCulloch and Members Fanning and Jenkins].

Upon the entire record in this case,¹ the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.
2. The Petitioner is a labor organization claiming 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 Sections 9(c) (1) and 2(6) and (7) of the Act.
4. The appropriate unit:

The Petitioner is seeking a unit of all office clerical, plant clerical, and technical employees of the Employer's pump and heat transfer division,² Harrison, New Jersey. Alternately, it requests separate units of clerical and technical employees at the Employer's P. & H.T. division, or a unit comprised of all clerical and technical employees located at both the Employer's P. & H.T. division and its administrative offices in Harrison, New Jersey. The Employer contends that the first two units requested by Petitioner are inappropriate. It agrees

¹ The Petitioner and the Employer filed briefs with the Board which have been duly considered.

² Hereinafter referred to as P. & H.T. division.

with Petitioner that a unit of all clerical and technical employees of its P. & H.T. division and administrative offices is appropriate.

There are several factors supporting the unit urged by the Employer. P. & H.T. division is located across the street from the Employer's administrative offices, and in some instances employees of one operation are physically located in the buildings of the other. Due to the proximity in location, many services are shared in common, such as shipping and receiving, switchboard and messenger, maintenance and guard, and hospital and medical. In addition, the Employer, which has operations in 11 States of the United States and in 13 foreign countries, has established policies governing such matters as personnel practices, labor relations, wages, and other employee benefits which are for the most part uniform throughout the organization. The administrative offices control and coordinate the operations of the Employer's many divisions, including P. & H.T. division, and in many instances there is an interrelationship between the duties and functions of the administrative offices and the various divisions.

On the other hand, although there is no history of bargaining with respect to the clerical and technical employees at P. & H.T. division, the Petitioner has represented a unit of production and maintenance employees in this division for many years. While there is some similarity in job functions between the clerical and technical employees at P. & H.T. division and those in the administrative offices, the record establishes that there are only 22 common job classifications out of a possible 130. The P. & H.T. division has a separate personnel office which interviews, screens, and hires employees for that location and handles such employee-employer relations problems as may arise. The supervisory hierarchy at P. & H.T. division is separate and distinct from that of the administrative offices, not only at the lowest level, but up to and including separate vice presidents in charge of the day-to-day operations at each location. The final authority to hire or discharge P. & H.T. division employees resides in the management of that division. Although seniority is on a companywide basis, there have been only 19 transfers involving the clerical and technical employees of P. & H.T. division and the administrative offices and these transfers have occurred over an undisclosed number of years.

In the instant case, the records show that the P. & H.T. division for all purposes is under separate supervision and that there is no significant interchange of employees. While there is some integration, the separate identity of the two operations has been maintained. The common use of some services or facilities is not of such proportion that it tends to destroy the separate identities of the two operations. We are persuaded on the basis of the entire record in the case that the P. & H.T. division employees have enjoyed and continue to enjoy a community of interests in the terms and conditions of their employment sepa-

rate and apart from those of the employees of the administrative offices.

It has long been established that a single-plant unit is presumptively appropriate under the Act. Therefore, unless a plant has been merged into a more comprehensive unit by bargaining history, or is integrated in such a manner with other plants as to effectively negate its separate identity, it remains an appropriate unit even though a more comprehensive unit might also be appropriate. Moreover, even assuming that the unit urged by the Employer may be an appropriate unit, this does not establish it as the only appropriate one. It has not been the Board's policy to compel labor organizations to seek representation in a larger unit unless the smaller unit requested is inappropriate. The facts here do not reveal such a degree of integration or merger of operations as would make the separate unit requested by Petitioner inappropriate.³

In view of the foregoing and upon the entire record in this case, especially the degree of autonomy reserved to the P. & H.T. division through its separate supervision, its separate personnel offices, separate hiring and firing of employees, the lack of substantial interchange, the lack of a bargaining history, and the fact that no labor organization seeks to represent a larger unit, we find that the unit requested by Petitioner will assure to the employees the fullest freedom in exercising the rights guaranteed by the Act and is therefore appropriate.⁴

Accordingly, we find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All office clerical, plant clerical, and technical employees in Employer's pump and heat transfer division located in Harrison, New Jersey, excluding production and maintenance employees, patternmakers, powerhouse employees, engineers, professional employees, nurses, salesmen, confidential employees, managerial employees, guards, and supervisors as defined by the Act.

[Text of Direction of Election omitted from publication.]

³ See *Dave Belle Mills, Inc.*, 139 NLRB 629, and cases cited therein.

⁴ See *Temco Aircraft Corporation*, 121 NLRB 1085; *Gordon Mills, Inc.*, 145 NLRB 771.

**White Furniture Company and Industrial Union Department,
AFL-CIO and United Furniture Workers of America, AFL-
CIO. Cases Nos. 11-CA-2577 and 11-CA-2620. October 8, 1965**

DECISION AND ORDER

On May 21, 1965, Trial Examiner C. W. Whittemore issued his Decision in the above-entitled proceeding, finding that Respondent has 155 NLRB No. 16.