

**Kent Plastics Corp., and Laborers' International Union of North America, Local Union 561, AFL-CIO, Petitioner. Case 25-RC-4268**

June 18, 1970

**DECISION AND ORDER**

BY MEMBERS FANNING, BROWN, AND JENKINS

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held on February 9, 1970, before Frederick G. Winkler, Hearing Officer of the National Labor Relations Board.<sup>1</sup> The Employer and the Petitioner have each filed briefs.

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.

The Board has reviewed the Hearing Officer's rulings and finds that they are free from prejudicial error. They are hereby affirmed.

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

1. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the policies of the Act to assert jurisdiction herein.

2. The labor organization involved claims to represent certain employees of the Employer.

3. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

The Employer, a manufacturer of molded plastic products, operates two plants, known as the Fulton Street plant and the Grove Street plant, in Evansville, Indiana. The Petitioner seeks a unit of the production and maintenance employees at the Grove Street plant only. The Employer, agreeing as to the composition of the unit, contends that the single-plant unit sought by the Petitioner is inappropriate, and that a two-plant unit comprising the employees of both the Grove Street and the Fulton Street plants is the only appropriate unit. There is no bargaining history for the employees here in issue.

The Grove Street plant, with 160 employees, and the Fulton Street plant, with 400 employees, are five blocks apart. The Fulton Street plant houses the Employer's main office, which is the headquarters for its administrative and managerial functions, including personnel, bookkeeping, shipping, payroll, purchasing, sales, production scheduling,

engineering and research, hiring, and switchboard operations. There is one nurse for both plants. Wages, hours, shift differential pay, shifts, vacations, grievance processing, suggestion programs, probationary periods, Christmas bonuses, overtime premiums, insurance and retirement programs, and other benefits and conditions of employment are uniform. A single safety committee checks safety at both plants. Basic employee supervision for both plants emanates from the Fulton Street plant, and separate supervisory authority at the Grove Street plant appears minimal, as evidenced by the fact that the Grove Street foreman may give only oral reprimands, while written reprimands for employees at both plants must originate at the Fulton Street plant. Equipment common to both plants includes trucks, forklifts, testing machines, and tool-and-die department. Both plants use plastic raw materials and process the same orders for the same customers. Job skills at both plants are substantially similar. Of approximately 22 job classifications, 18 are common to both plants.

On the other hand, the Grove Street plant processes more than 80 percent of its product, using extrusion and vacuum forming processes, and produces large sheets which are shipped directly to customers, whereas the Fulton Street plant uses injection molding operations and performs work on smaller parts. In view of these differences, the Grove Street plant has its own production control, tool engineering, and process engineering departments. For the past 13 years there has been a single-plant seniority system for each plant, save with respect to a group currently numbering 150 employees, hired before December 1, 1956, which has always been on a two-plant seniority basis. A vice president is in overall charge of both plants. Below him are a production manager, who manages the Fulton Street plant, and a coordinator, who manages the Grove Street plant. Below the coordinator are foremen engaged in immediate and intermediate and, as indicated above, apparently minor supervision. During 1968 and 1969 there appears to have been 70 to 75 temporary transfers of employees between the two plants for periods of a week or more in duration, and in 1969 there appears to have been only 1 such transfer from the Grove Street plant to the Fulton Street plant. There is occasional interchange of service personnel between the plants on a day-to-day basis.

In these circumstances, including the geographical proximity of the Employer's plants, its managerial, administrative, and functional integration, its centralized control of labor relations, hiring, and supervision; the close community of interests of its employees at both plants, as evidenced

<sup>1</sup> The Employer's and the Petitioner's names appear as amended at the hearing.

by their similar skills and virtually identical benefits and conditions of employment; the similar materials, equipment, and facilities used by both plants, and the collaboration of these plants in joint production for various common customers; and notwithstanding variances in engineering, processing, and equipment required by certain production differences, we find insufficient warrant for a single-plant unit confined to the employees at

the Grove Street plant.<sup>2</sup>

As the Petitioner does not desire to participate in an election in a unit different from the one which it requested, we shall dismiss the instant petition.

#### ORDER

It is hereby ordered that the petition herein be, and the same hereby is, dismissed in its entirety.

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<sup>2</sup> *The Kendall Company*, 181 NLRB No 177, *Mid-West Abrasive Company*, 145 NLRB 1665, *Barber-Colman Company*, 130 NLRB 478, compare

*The Black and Decker Manufacturing Company*, 147 NLRB 825, *Dixie Belle Mills, Inc*, 139 NLRB 629