

Tungsten Contact Manufacturing Company, Incorporated and United Electrical, Radio and Machine Workers of America, Petitioner. Case 22-RC-4734

March 18, 1971

DECISION ON REVIEW

BY CHAIRMAN MILLER AND MEMBERS
FANNING AND JENKINS

On September 30, 1970, the Regional Director for Region 22 issued a Decision and Director of Election in the above-entitled proceeding in which he found appropriate a unit of all production and maintenance employees, including lead employees, of the Employer's Randolph Township, New Jersey, plant. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Employer filed a timely request for review of the Regional Director's Decision, contending that a unit limited to the Randolph plant is inappropriate, that the only appropriate unit for the employees involved must include its North Bergen, New Jersey, plant and that the petition therefore should be dismissed.

On October 26, 1970, the National Labor Relations Board by telegraphic order granted the request for review and stayed the election pending decision on review.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel.

The Board has reviewed the entire record in this case with respect to the issues under review and makes the following findings: The Petitioner requested a unit of production and maintenance employees at the Employer's Randolph plant. As above indicated the Employer contends that the only appropriate unit must encompass production and maintenance employees at both its Randolph and North Bergen plants, approximately 35 miles apart. We agree.

The Employer, a closely held corporation incorporated in 1930, is engaged in the manufacturing of automobile electrical replacement parts. Its Randolph plant was opened in early 1969, and certain operations formerly performed at its North Bergen plant and all operations at the Employer's now defunct Secaucus, New Jersey, plant¹ were transferred there.

¹ In Case 22-RC-4734, the Regional Director found a unit consisting of employees at the Employer's Secaucus plant to be inappropriate. There were 18 employees at Secaucus, located 3-5 miles from North Bergen which had a complement of 259 employees. The Secaucus plant performed only packaging and shipping functions, resulting from an overflow at the North Bergen plant. One plant manager was in charge of both locations. Reporting to him was a traffic manager, responsible for packaging and

The Employer avers that ultimately its entire operation will be located at Randolph, but has offered no definitive timetable for the transfer. At present, there are approximately 121 production and maintenance employees and 55 salaried employees at North Bergen, and approximately 162 production and maintenance employees and 12 salaried employees at Randolph.

The products manufactured by the Employer are contact points, automotive condensers, rotors, distributor caps, ignition coils, positive crankcase ventilation valves, and temperature sending units. The contact points account for approximately 40-50 percent of the Employer's business. Regarding this product, the purchase of components, the manufacture of parts, and the subassembly operations take place at North Bergen only. Final assembly, packaging, and shipping functions are performed both at North Bergen and Randolph. Generally, the same products are processed for shipment from both North Bergen and Randolph. Most of the employee classifications at North Bergen also exist at Randolph, and these employees perform identical functions, use the same skills, and are compensated in the same manner.

Operations of the two plants are integrated with respect to executive, managerial, and engineering activities. All administrative functions are performed at North Bergen, where the corporate offices are located. Such activities include payroll, billing, purchasing, order processing, computer operation, credit checking, inventory control, drafting, engineering, filing, sales, and mailing operations.

The plant manager at Randolph reports to the vice president for manufacturing who is also directly responsible for operations at the North Bergen plant. The record does not reveal the actual duties and responsibilities of the Randolph plant manager, except that he is responsible for the day-to-day conduct of the plant. The Randolph plant manager admittedly has no authority with respect to at least 40 employees, who constitute the quality control and shipping and packaging departments. These departments are separately supervised by a quality manager and a shipping and packaging manager, both of whom divide their time between the two plants and report to the vice president for manufacturing.

A single personnel manager, who reports to the Employer's president, is responsible for personnel matters at both plants. He testified that labor-management relations policy was identical at both plants

shipping at both locations, who had one assistant at each plant. Transfer was minimal and the Employer had a plan to consolidate the operation within 6 months. The Regional Director rejected the request of the petitioner (not the Petitioner herein) for the Secaucus plant unit, basing his decision on lack of substantial local autonomy, centralized control, and close geographic proximity. The Board denied the petitioner's request for review.

and that recruitment was centrally organized. Wage scales and benefits, such as health and life insurance, holidays, vacations, and bonuses, are identical for employees at both plants. The personnel manager, who has offices in both plants, is responsible for hiring. He interviews applicants and has, on occasion, hired employees interviewed at Randolph for employment at North Bergen. Grievances for all employees are handled by the personnel manager, who conducts his own investigation and makes a decision, although group leaders will first make a recommendation. Overtime policy is identical at both plants. Overtime is scheduled by the corporate officers in North Bergen and implemented by the personnel manager. The Employer maintains one seniority list.²

The procedure for determining merit increases is as follows. Production cards filled out by employees are reviewed by supervisors to determine which individuals are performing above the rate for which they are being paid. Lists of suggestions for increases are then compiled and submitted jointly to the personnel manager for review and discussion. Thereafter, the list is submitted to the corporate offices at North Bergen for final review.

Of the approximately 40 transfers of personnel since the Randolph facility commenced operations, approximately 15 were transfers of nonsupervisory employees between the two plants. The remainder involved supervisors, and we note that more than 60 percent of the supervisory staff at Randolph, includ-

ing the plant manager, transferred from North Bergen. The majority of the transfers involved moves from North Bergen to Randolph and were necessitated by the staffing requirements of the newly opened plant. There are also approximately five employees who interchange occasionally on a temporary basis.

Upon the foregoing, we conclude that a unit limited to the Randolph plant is inappropriate and that the appropriate unit must be broadened to include production and maintenance employees at the North Bergen plant. In so concluding, we rely especially on the facts that both plants are engaged in the manufacture of the same products; that there is one personnel manager over both plants who administers a common labor policy and who is responsible for all personnel related matters, including grievances and implementing the overtime policy; that approximately 25 percent of the Randolph employee complement is not under the authority of the Randolph plant manager; and that the operations of the two plants are highly integrated.³ Accordingly, we shall remand the case to the Regional Director in order that he may conduct an election pursuant to his Decision and Direction of Election, as modified herein, subject to his ascertaining that the Petitioner has an adequate showing of interest among the employees in the appropriate unit.⁴ Further, the eligibility date for the election shall be that immediately preceding the date of issuance.⁵

² The Employer states that the employees have not been informed of the seniority practices, as there has been no need to apply any seniority rules.

³ See *The Kendall Company*, 181 NLRB No 177. Cf *The Black & Decker Manufacturing Company*, 147 NLRB 825, where hiring was done at each plant despite a single personnel department.

⁴ The Petitioner, at the hearing, expressed a willingness to proceed to an election should the Board find the two-plant unit to be the only appropriate bargaining unit. If the Petitioner does not now desire to participate in an election in the unit we find appropriate herein, we shall permit it to withdraw its petition without prejudice upon written notice to the Regional Director within 10 days from the date of this Decision.

⁵ In order to assure that all eligible voters may have the opportunity to

be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear Inc.*, 156 NLRB 1236. *NLRB v Wyman-Gordon Co.*, 394 U.S. 759. Accordingly, it is hereby directed that an election eligibility list, containing the names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 22 within 7 days of the date of this Decision on Review. The Regional Director shall make the list available to all parties to the election. No extension of time to file this list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.