

Blue Rock Quarry and Truck Drivers, Warehousemen & Helpers, Local No. 340, a/w International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, Petitioner. Case No. 1-RC-4644. December 14, 1956

DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before George A. Sweeney, 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 this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.
2. The labor organization involved claims to represent certain employees of the Employer.
3. No question affecting commerce exists concerning the representation of the employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act for the reasons stated below.

The Petitioner seeks to represent all truckdrivers and transit mix drivers employed exclusively by Blue Rock Quarry. The Employer contends the unit sought is inappropriate and urges that the appropriate unit should include the employees of seven corporations, W. H. Hinman Co.; New England Paving Corp.; Leeds Sand and Gravel; Engineering Laboratory Service; Maine Bituminous Corporation; Eastern Construction Corporation; and Blue Rock Quarry, and presents evidence to show that only a multicorporation unit is appropriate. There is no history of collective bargaining for any of the corporations.

Blue Rock Quarry is engaged in the manufacture and sale of stone and its aggregates, cement, concrete, and asphalt, and in the construction of roads, parking lots, driveways, and other construction that ends with the level of the earth. W. H. Hinman Co. is engaged in heavy construction, e. g., it is now constructing the airport at Portland, Maine. This corporation has the largest number of employees and operates in a larger radius than the other corporations. In addition to Maine, it operates in New Hampshire and Vermont. Leeds Sand and Gravel processes and sells sand and gravel and does miscellaneous construction work and paving. The Engineering Laboratory Service performs engineering type survey work, testing materials, making borings, etc. It also does engineering consulting for interests other than these six corporations. Eastern Construction Corporation was established to engage in work for the Government at predetermined wage rates. Not having been successful in recent bids, it has been

inactive for the past 4 or 5 years. Maine Bituminous Corporation has not been active for the past year.

All seven corporations are owned by the same people. Each stockholder has the same amount of stock in each corporation. The officers hold the same offices and the directors are the same in each corporation. The Hinman family owns a majority of the stock in all corporations equally.

All of these corporations have as their main operational headquarters and are controlled from 58 Maine Street, Westbrook, Maine, although their corporate charter may list another location, e. g., Hinman Co. shows North Anson, Maine, as its principal office, about 80 miles from Portland. The Westbrook location is about halfway between Portland and Westbrook where there are numerous buildings within a single enclosure. There are buildings for storage of materials, machine and quarry parts, repair and maintenance shops, mixing or batching buildings, buildings in which bituminous concrete is manufactured, an insecticide plant, carpenter shops, the quarry and rock crushing, screening, and washing operation. Although each corporation has a separate telephone listing, there is a common switchboard and there is no designation of any one corporation on any of the offices. All repair and maintenance to all equipment used by any corporation in that vicinity is made at Westbrook.

One person, the comptroller, is in charge of accounting for all corporations and handles all banking arrangements through the same bank. Although separate payrolls are maintained for each corporation, practically all hiring is done at Blue Rock Quarry except that which is done at the job site. Hiring is done usually by 2 or 3 men for all the corporations. The master mechanic on the Hinman payroll hires substantially all crane operators. When any corporation needs a crane operator, the master mechanic supplies one. Another person hires practically all the truckdrivers for all the corporations. Estimators do the job estimating for all corporations. Supervisors of all jobs in the area of all the corporations meet each morning at Blue Rock Quarry and balance out personnel and equipment to meet the day's anticipated needs without regard to payrolls or ownership of equipment.

The major classifications hired by these corporations are truckdrivers and miscellaneous operators which include crane operators, bulldozer operators, front end loader operators, and air compressor operators. There are also some laborers, but all truckdrivers are hired with the understanding that when the truck is idle, they join the laboring crews. For example, when a load of material is delivered by a truckdriver to a certain job, if the people there are not ready for it to be unloaded, the driver joins the labor crew until he

can unload his truck. However, the truckdriver is not penalized by a reduction in his rate of pay while performing laboring tasks.

Without regard to the payroll an employee is on, if he is working for one of the corporations, the supervisor on that job has the authority to discharge him if he is found to be unsatisfactory. All promotions must clear through one man, the president of all corporations. All employees of all corporations are paid the same wage rate and receive the same fringe benefits. One labor policy, established by the president, is effective at all jobs without regard to the corporation.

Under all the circumstances, including the same overall management and control of labor policies, the related businesses of the corporations, the integration of operations, the common use of offices, the daily interchange of equipment and personnel, and the uniformity of working conditions, we are of the opinion that all 7 corporations constitute a single employer within the meaning of Section 2 (2) of the Act, and that a unit limited to 1 of the corporations is inappropriate. As the Petitioner has not made a sufficient showing of interest in a unit coextensive with the operation of the corporations, we shall dismiss the petition.

[The Board dismissed the petition.]

Hirsch Broadcasting Company and International Brotherhood of Electrical Workers, AFL-CIO, Petitioner. *Case No. 14-RC-3052. December 14, 1956*

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Thomas C. Hendrix, 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 this case, the Board finds:¹

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

¹ The Employer contends, in effect, that as Versatile was not given notice of the hearing herein, did not appear at the hearing, and was not a party thereto, no basis exists for including its employees in the unit sought by the Petitioner. In the circumstances of this case we find no merit in this contention. While it appears that no formal notice of hearing was given Versatile, its president was present and gave testimony concerning its operations and those of Hirsch, including the relationship of Versatile to Hirsch. Further, full opportunity was afforded to litigate the status of Versatile after the Petitioner placed the Employer on notice that it contended Hirsch and Versatile constituted a single employer and this matter and the duties of Versatile's employees were in fact litigated. Accordingly, we perceive no basis for the contention that the rights of Versatile were prejudiced.