Hegins Corporation *and* Local 351, International Ladies Garment Workers' Union, a/w AFL-CIO,[1] Petitioner. Case 4-RC-14301

April 28, 1981

DECISION ON REVIEW

On September 18, 1980, the Regional Director for Region 4 issued a Decision and Direction of Election in the above-entitled proceeding in which he found appropriate a unit of production and maintenance, packing and shipping employees at Employer's Gratz, Pennsylvania, facility. 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, on the grounds that, *inter alia*, in finding that a single-location unit was appropriate, he departed from Board precedent. By telegraphic order dated October 15, 1980, the Employer's request for review was granted and the election was stayed pending decision on review.

The Board has considered the entire record in this case and makes the following findings:

Petitioner filed a petition seeking to represent "all production and maintenance, packing and shipping employees employed at the Employer's Gratz, Pennsylvania facility." The Employer contends that a unit of employees at both its Gratz, Pennsylvania, facility and its Hegins, Pennsylvania, facility is the only appropriate unit. There is no history of collective bargaining.

The Employer is engaged in the manufacture of ladies' clothing at the two facilities, which are approximately 11 miles apart. The Gratz operation employs 17 workers who do receiving, cutting, and shipping. Approximately 50 percent of the materials received at Gratz are sent to the Hegins facility for sewing; other sewing is done by outside contractors. The Hegins location employs about 50 workers who do sewing work. Employees at both plants receive the same benefits and holidays, and the payroll and personnel records for both facilities are housed together at Gratz.

There is functional integration between the two facilities, including daily movement of materials, machinery, and supplies. During peak periods, there is some employee interchange; a few employees from the Gratz facility are sent to Hegins to do shipping and packing. However, this kind of interchange had not occurred in the 6 months prior to the hearing. Employees from Hegins occasionally go to Gratz to assist in unloading. The same employees do maintenance, cleaning, and janitorial work for both locations.

Each facility has its own department supervisors, who direct employees on a daily basis, and discipline workers when necessary. These supervisors have the authority to discharge employees after consultation with the president of the company. The president of the company has overall control over business operations, personnel policies, and labor relations and visits both plants daily.

The Regional Director found that the Employer has not overcome the presumptive appropriateness of a single-location unit. We agree.

The record indicates that department supervisors retain a great deal of autonomy in their ability to direct employees and to discipline them; these supervisors also have authority to discharge employees after consultation with the company president. Where substantial autonomy is vested in local supervisors to handle the day-to-day supervision of their employees, we find this fact more significant in determining the appropriateness of the unit sought than the existence of other factors such as central recordkeeping or functional integration.[2]

Furthermore, employee interchange has not been so substantial as to create a significant community of interest between the two plants. The record indicates that employees from one facility will temporarily help out at the other location "occasionally" or "in peak periods"; however, no specific figures were given, and the Employer's president admitted that such interchange had not occurred in the 6 months preceding the hearing.

Thus, in view of the degree of autonomous supervision in each of the plants, the lack of significant employee interchange, the absence of any bargaining history among these employees, and the fact that no labor organization seeks to represent the employees on a broader basis, we find that there is a sufficient basis for granting Petitioner's request for a single-location unit.[3]

Accordingly, we shall remand the case to the Regional Director for the purposes of conducting an election pursuant to his Decision and Direction of Election, except that the payroll period for de-

[1] The name of Petitioner appears as amended at the hearing.

[2] *Penn Color, Inc.*, 249 NLRB 1117, 1119 (1980), and cases cited therein.

[3] See *Hamburg Knitting Mills*, 239 NLRB 1231 (1979).

Our dissenting colleague relies on *Pickering & Company, Inc.*, 248 NLRB 772 (1980), and *U-Wanna-Wash Frocks, Inc.*, 203 NLRB 174 (1973), in finding that the presumption of appropriateness of a single-location unit has been rebutted; however, these cases are distinguishable. In *Pickering*, employees from one facility were transferred to the other to satisfy overtime requirements. In *U-Wanna-Wash Frocks*, the Board relied on an earlier decision finding that an employerwide unit was appropriate, and noted that no substantial changes had occurred in the employer's operation.

In light of his dissents in both cases, Chairman Fanning finds it unnecessary to distinguish them here.

mining eligibility shall be that ending immediately before the date of issuance of this Decision on Review.[4]

MEMBER JENKINS, dissenting:

The two facilities that comprise the Employer's garment manufacturing operation, located 11 miles apart, exhibit a high degree of functional integration. In addition to the fact that the sewing operation at one is wholly dependent on the cutting performed at the other location, there is daily movement of materials, machinery, and supplies between the facilities, and the maintenance, cleaning, and janitorial functions are performed by the same employees at both locations. Although each facility has its own supervisors, the Employer's president divides his time, daily, between the two facilities, and directly manages all nonroutine aspects of the operation, including hiring, work scheduling, and discipline. His direct involvement in the day-to-day management of operations precludes a finding that the subordinate supervisors have substantial autonomy. These circumstances, in combination, present a classic example of rebuttal of the presumption of appropriateness of a single-location unit. *Pickering & Company, Inc.*, 248 NLRB 772 (1980); *U-Wanna-Wash Frocks, Inc.*, 203 NLRB 174 (1973). Apparently, the Petitioner has not indicated it would proceed to an election in a two-location unit. Accordingly, I would dismiss the petition.

[4] [*Excelsior* footnote omitted from publication.]