

**Noranda Aluminum, Inc. and United Steelworkers of America, AFL-CIO, Petitioner. Case 14-RC-6363**

October 31, 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 before Hearing Officer, Neil E. McDarby. Following the hearing, and pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations and Statements of Procedure, Series 8, as amended, and by direction of the Regional Director for Region 14, this case was transferred to the National Labor Relations Board for decision. Both the Employer and the Petitioner have filed briefs.

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 Hearing Officer's rulings made at the hearing and finds that they are free from prejudicial error.<sup>1</sup> They are hereby affirmed.

Upon the entire record in this case, including the briefs filed herein, 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 is in the basic aluminum industry, and engaged in the manufacture and distribution of finished and unfinished aluminum products. Its operations are conducted at New Madrid, Missouri. At the time of the hearing, it employed about 38 employees excluding management and supervisors, professional employees, guards and office clerical employees at its New Madrid site, with plans to employ upwards of 425 such employees in the near future, as new operations start up. Petitioner seeks a unit of all production and maintenance employees, and the laboratory technicians, employed at the Employer's wire and cable plant located at New Madrid.

<sup>1</sup> We have reviewed the Petitioner's contention that the Hearing Officer's granting of parts of the Employer's petition to revoke subpoena duces tecum, B-87906, was in error. We have also examined the entire record and briefs, and find that all of the relevant evidence necessary for

The Employer contends that the only appropriate unit is a unit including all production and maintenance employees employed at the entire New Madrid facility, including the wire and cable plant and the reduction mill, and excluding laboratory technicians, on the ground that the Employer's facility at New Madrid is an integrated operation. The Employer further contends that the petition is premature because the reduction mill is still under construction, there is not a representative number of employees employed, an insufficient number of contemplated job classifications are filled, and there is not a representative number of employees in a substantial number of the job classifications.

Noranda Aluminum, Inc., is a wholly owned subsidiary of Noranda Mines, Limited, a Canadian corporation, and was formed in 1968 for the purpose of entering into the basic aluminum industry in the United States and of supplying aluminum to two other subsidiaries of Noranda Mines, the Canada Wire and Cable Company, and Pacific Coast Company. At the peak performance of the New Madrid facility as presently being formed, projected to take place around April 1971, approximately two-thirds of the aluminum being produced in the reduction mill will be diverted to Canada Wire and Cable Co. and Pacific Coast Co., and approximately one-third of it will be used in the fabrication of wire and cable at the cable plant at the New Madrid facility. That aluminum which will go to the off-site subsidiaries of Noranda Mines will be manufactured as a semifinished product in the metal services department of the reduction mill in New Madrid, and will be shipped mainly in forms of billets, pig and sow and ingots. The onsite cable plant will get hot metal directly from the potrooms. Thus, the aluminum which is refined in the potrooms of the reduction mill will be transported in the form of hot metal to the cable plant, to be fashioned into a finished product, and to the metal services department, for the manufacture of semifinished products.

The entire facility, including the reduction mill and cable plant, is located at St. Jude Industrial Park in New Madrid. There is a road that runs between the reduction mill and the cable plant, and the two are at present several hundred feet apart, with plans for possible expansion which will lessen this distance. Each of these two parts of the facility has a fence around it, with a guard, and its own parking lot.

At the time of the hearing, the cable plant was the only department of the New Madrid facility which was in production, getting its aluminum from an

our determination of the issues was brought to our attention, and the Petitioner was not prejudiced by the granting of portions of the Employer's petition.

outside source. About November 1, 1970, the rest of the facility is expected to be in operation and the flow of hot aluminum to the cable plant and metal services is to begin.

The record shows that the cable plant was constructed and put into operation before the rest of the facility for the purpose of building a market for its product, and because it takes about a year for the machinery to be completely debugged and production to reach a standard commercially acceptable to the manufacturer.

At the time of the hearing, there were about 38 hourly employees at the facility, about 30 of whom were working at the cable plant. With a hiring program which is predicted to reach its peak in April or May of 1971, the Employer expects to employ upwards of 425 employees, with about 60 employees at work in the cable plant. The Employer's expectations are that a representative portion of these employees will be employed by November 1, 1970, when the flow of hot metal begins.

The employees in the cable plant are separated from those in the reduction mill in that they are in a separate building with a parking lot away from the other buildings, which is itself surrounded by a fence with a guard at the gate. In this building they have their own lunch area, restrooms, and timeclock (as have other areas of the facility), and they have their own showerroom. The cable plant also produces a different product and, for the most part, on different machines than does the rest of the facility, thus making the job functions of many of the employees different from others in the facility. Most of the employees in the unit sought are under the day-to-day supervision of the cable plant superintendent. It is not contemplated that there will be much interchange between these employees and the employees of the rest of the facility although a small amount is contemplated. The cable plant will perhaps work more or less shifts than some other departments. These are factors which might lead to a determination that a unit of cable plant employees is appropriate.

On the other hand, and more compelling, are factors that lead to a determination that the cable plant is only another department in a highly integrated facility. There is one personnel department which hires employees for the entire facility using the same job application form. The vast majority of the employees are hired as trainees at the same pay and assigned to the departments in need of them, where they are trained to work on individual machines. The job functions of many of the employees throughout the facility are either identical, or require comparable skills and training. The cable plant employees do not possess as a group any unique skills other than those

in which they were trained by foremen from throughout the facility. All employees of the facility enjoy the same fringe benefits, health insurance plans, and safety training given by the personnel department.

In management and administration, the entire facility is integrated. There is one general manager in charge of the entire facility. Answering directly to him are a number of staff personnel including the industrial relations director, who is responsible for employment, labor relations, safety, first-aid, and plant protection for the entire facility; a controller in charge of all accounting, cost analysis, and related items for the entire facility; a sales manager and sales department for the entire facility; one production planner; one technical superintendent responsible for laboratories and quality control; one purchasing department, responsible for all purchasing, traffic, and the general warehouse; one works engineer; a mechanical and engineering superintendent who is in charge of maintenance, throughout the facility (Although maintenance employees in different departments may be under the day-to-day supervision of the superintendent of the department). The superintendents of all the different manufacturing departments of the facility (including the cable plant), are also directly responsible to the General Manager.

Functionally, the cable plant is an integral part of the facility, and its entire facility. Likewise, the record shows that the productive and uninterrupted operations of the other departments of the facility are dependent upon the efficient and continued operation of the cable plant.

In view of the foregoing, and all the facts as disclosed in the record, we are persuaded that the requested unit does not possess a degree of functional distinctness and autonomy which would warrant a finding that the cable plant employees have a separate community of interest apart from the other employees and therefore it may not be represented as a separate appropriate unit. We also will not order an election in a larger unit at this time noting that a representative number of employees have not yet been employed, nor a representative number of classifications filled. However, this does not preclude the Petitioner or any other labor organization from filing a petition for an appropriate unit at the proper time and upon the proper showing of interest. We shall, therefore, dismiss, without prejudice, the petition herein.

## ORDER

It is hereby ordered that the petition in Case 14-RC-6363 be, and it hereby is, dismissed.