

In the Matter of DELCO REMY DIVISION GENERAL MOTORS CORPORATION
and UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, UAW-CIO

Case No. 9-R-1160.—Decided October 27, 1943

Henry M. Hogan, Harry S. Benjamin, Jr., and William J. Oldani, by
Mr. William J. Oldani, of Detroit, Mich., for the Company.

Mr. Mose Kucela and Mr. Walter D. Romine, of Indianapolis, Ind.,
for the UAW-CIO.

Mr. Guy Vaughn, of Evansville, Ind., for the I. B. E. W.

Miss Melvern R. Krelow, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon petition duly filed by United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, herein called the UAW-CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of Delco Remy Division General Motors Corporation, Bedford, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before James A. Shaw, Trial Examiner. Said hearing was held at Bedford, Indiana, on September 10 and 17, 1943.¹ The Company, the UAW-CIO, and International Brotherhood of Electrical Workers, Local No. 16, herein called the I. B. E. W.,² appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

¹ At the hearing on September 10, 1943, the Company requested a postponement for 1 week, which the Trial Examiner granted.

² At the hearing the I B E W moved orally to intervene. The Trial Examiner granted the motion.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

General Motors Corporation is a Delaware corporation, authorized to do business in the State of Indiana. It operates several unincorporated divisions, one of which is the Delco Remy Division. The Delco Remy Division operates and maintains a plant at Bedford, Indiana, where it is engaged in the manufacture of aluminum castings. This proceeding involves the Bedford, Indiana, plant. Substantially all of the output of that plant goes to the United States Government. More than 50 percent in dollar value of the raw materials used in the manufacture of aluminum castings at the Bedford plant is shipped to the plant from points outside the State of Indiana, and more than 50 percent in dollar value of its finished products is shipped to points outside the State of Indiana. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

United Automobile, Aircraft & Agricultural Implement Workers of America is a labor organization affiliated with the Congress of Industrial Organizations admitting to membership employees of the Company.

International Brotherhood of Electrical Workers, Local No. 16, is a labor organization affiliated with the American Federation of Labor admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Bedford plant commenced operations in January 1943. Up to July 7, 1943, there had been no history of collective bargaining with any union. On that date, the UAW-CIO informed the Company that it represented a majority of the Company's employees, and requested recognition. The Company refused unless and until the UAW-CIO is certified by the Board.

A statement of a Field Examiner of the Board, introduced in evidence at the hearing, and a statement made at the hearing by the Trial Examiner indicate that the UAW-CIO and the I. B. E. W. represent a substantial number of employees in the unit each claims appropriate.³

³ The Field Examiner reported that the UAW-CIO submitted 283 designations, all bearing apparently genuine signatures. Of the 283 designations, 214, 210 of which were dated between June and August 1943, and 4 were undated, bear the names of employees whose names appear on the Company's pay roll of August 14, 1943, which contained the names of 296 employees within the unit alleged appropriate by the UAW-CIO.

At the hearing, the I. B. E. W. presented 5 cards, 4 of which contained the names of persons classified by the Company as electricians. There are 4 employees at the present time in the unit claimed appropriate by the I. B. E. W.

We find that a question affecting commerce has arisen concerning the representation of employees of the Company within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

As hereinafter discussed, the Company contends that no election should be ordered by the Board at this time. If the Board orders an election, however, the Company and the UAW-CIO agree that all production and maintenance employees and mechanical employees in engineering department shops of the Bedford plant, excluding employees of sales, accounting, personnel and industrial relations departments, superintendents and assistant superintendents, general foremen, foremen and assistant foremen, and all other persons working in a supervisory capacity including those having the right to hire or discharge and those whose duties include recommendations as to hiring or discharging (but not leaders), and those employees whose work is of a confidential nature, time-study men, plant-protection employees (but not to include maintenance patrolmen or fire patrolmen), all clerical employees, chief engineers and shift operating engineers in power plants, designing (drawing board), production, estimating and planning engineers, draftsmen and detailers, physicists, chemists, metallurgists, artists, designer-artists and clay plaster modelers, timekeepers, technical school students, indentured apprentices, and those technical or professional employees who are receiving training, and kitchen and cafeteria help, should constitute an appropriate unit.⁴ The I. B. E. W. contends that all maintenance electricians constitute an appropriate unit.

The Company at present employs four electricians⁵ who are engaged in the installation and maintenance of electrical equipment throughout the plant. Although they are under the supervision of the general maintenance department, as skilled craftsmen, they receive a higher rate of pay than do the ordinary maintenance or production employees. We have in numerous instances stated that employees similar to the foregoing comprise traditional craft groups and as such may constitute separate appropriate units.⁶ We have also in some instances in the past directed elections among craft groups in the automobile industry, including the General Motors Corporation, allow-

⁴ This unit is the one set forth in the master collective bargaining agreement between the UAW-CIO and the General Motors Corporation which covers employees of certain plants for whom the UAW-CIO has been certified by the Board as the collective bargaining agent.

⁵ The Company stated at the hearing that its complement might sometime in the future reach eight.

⁶ See *Matter of Marshall Field & Company*, 36 N. L. R. B. 748; *Matter of Phelps Dodge Corporation, etc.*, 34 N. L. R. B. 846, and cases cited therein.

ing these groups to determine for themselves whether they desire to constitute separate units, or to be included in industrial units.⁷

A study of the automobile industry reveals that union organizing and collective bargaining have followed a definite trend toward the industrial form of organization.⁸ Research with respect to the General Motors Corporation, itself, discloses that in the majority of cases collective bargaining with both the UAW-CIO and the International Union, United Automobile Workers of America, affiliated with the American Federation of Labor, and the resulting contract units, have been on an industrial basis.⁹ We are impressed by this industrial history of collective bargaining, and particularly as it relates to the General Motors Corporation. However, while such history persuasively supports the Company's contention that an industrial unit is more appropriate, in view of the fact that there is no history of collective bargaining at this particular plant, we are constrained at the present time to adhere to our usual policy of permitting a craft group to constitute a separate appropriate unit. We nevertheless deem it advisable to emphasize that in future cases the trend in the automobile industry toward bargaining along industrial lines may impel us to regard such trend as warranting a denial of bargaining units requested on a craft basis.

Since the electricians might properly constitute a separate bargaining unit, or might function as part of the unit requested by the UAW-CIO, we shall make no determination at this time as to the appropriateness of either or both, but shall direct separate elections among (1) all production and maintenance employees and mechanical employees in engineering department shops of the Company, excluding employees of sales, accounting, personnel and industrial relations departments, superintendents and assistant superintendents, general foremen, foremen and assistant foremen, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, and those employees whose work is of a confidential nature, time-study men, plant-protection employees (but not to include maintenance patrolmen or fire patrolmen), all clerical employees, chief engineers and shift operating engineers in power

⁷ See *Matter of Frigidaire Division of General Motors Corp.*, 19 N. L. R. B. 957; *Matter of Frigidaire Division, General Motors Corp., Dayton, Ohio*, 24 N. L. R. B. 853; *Matter of Cadillac Motor Car Division of General Motors Corporation*, 33 N. L. R. B. 691; and *Matter of Buick Motor Division, General Motors Corporation*, 40 N. L. R. B. 825.

⁸ See "How Collective Bargaining Works," *The Twentieth Century Fund*, and other publications referred to therein.

⁹ In *Matter of Delco Radio Division of General Motors Corporation*, 25 N. L. R. B. 698, the I. B. E. W. in conjunction with the UAW-AFL jointly requested recognition for the production and maintenance employees, which was followed by successive agreements between the General Motors Corporation and the UAW-AFL and the I. B. E. W. jointly.

plants, designing (drawing board), production, estimating and planning engineers, draftsmen and detailers, physicists, chemists, metallurgists, artists, designer-artists and clay plaster modelers, time-keepers, technical school students, indentured apprentices, and those technical or professional employees who are receiving training, kitchen and cafeteria help, and all maintenance electricians, to determine whether or not they desire to be represented by the UAW-CIO; and (2) among all maintenance electricians of the Company, excluding supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by the UAW-CIO or by the I. B. E. W., or by neither. Upon the results of these elections will depend, in part, our determination of the appropriate unit or units.

As heretofore stated, the Company contends that no election should be directed at this time, since the Company's full complement of contemplated personnel will not be reached until June 1944. However, the record discloses that there is approximately 50 percent of the total contemplated personnel presently employed. We shall, therefore, in accordance with our usual practice in selecting a date for the purposes of eligibility, direct that the employees eligible to vote in the elections hereinafter directed shall be those who were employed during the pay-roll period immediately preceding the date of our Direction of Elections, subject to the limitations and additions set forth therein.

DIRECTION OF ELECTIONS

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Delco Remy Division General Motors Corporation, Bedford, Indiana, elections by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Ninth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the following employees who were employed by the Company during the pay-roll period immediately preceding the date of this Direction of Elections, including employees who did not work during said pay-roll period because they were ill

or on vacation, or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election: (1) all production and maintenance employees and mechanical employees in engineering department shops of the Company, at its Bedford, Indiana, plant, excluding employees of sales, accounting, personnel and industrial relations departments, superintendents and assistant superintendents, general foremen, foremen and assistant foremen, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, and those employees whose work is of a confidential nature, time-study men, plant-protection employees (but not the include maintenance patrolmen or fire patrolmen), all clerical employees, chief engineers and shift operating engineers in power plants, designing (drawing board), production, estimating and planning engineers, draftsmen and detailers, physicists, chemists, metallurgists, artists, designer-artists and clay plaster modelers, time-keepers, technical school students, indentured apprentices, and those technical or professional employees who are receiving training, kitchen and cafeteria help, and all maintenance electricians, to determine whether or not they desire to be represented by United Automobile, Aircraft & Agricultural Implement Workers of America, for the purposes of collective bargaining; and (2) all maintenance electricians of the Company, at its Bedford, Indiana, plant, excluding supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by United Automobile, Aircraft & Argicultural Implement Workers of America, or by International Brotherhood of Electrical Workers, Local No. 16, for the purposes of collective bargaining, or by neither.