

In the Matter of CHANDLER-EVANS CORPORATION and LOCAL 704, UNITED
AUTOMOBILE WORKERS OF AMERICA (AFL)

Case No. 1-R-1594.—Decided October 28, 1943

Mr. Walfrid G. Lundborg, of Hartford, Conn., and *Mr. George F. McDonough*, of South Meriden, Conn., for the Company.

Messrs. Frank Griffin and *Joseph Bonyai*, of Wallingford, Conn.,
Messrs. Harry Woodworth and *John H. Ryan*, of Meriden, Conn., and
Mr. Charles Fritz, of South Meriden, Conn., for the Union.

Miss Olive N. Barton, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon an amended petition duly filed by Local 704, United Automobile Workers of America (AFL), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Chandler-Evans Corporation, South Meriden, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John W. Coddair, Jr., Trial Examiner. Said hearing was held at Meriden, Connecticut, on September 29, 1943. The Company and the Union 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Chandler-Evans Corporation, a Delaware corporation, is engaged in the manufacture of aircraft accessories, carburetors, fuel pumps,
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Protek plugs, and similar products. This proceeding concerns only the South Meriden, Connecticut, plant. During the first 9 months of 1943 the Company received raw materials valued in excess of \$1,000,000, consisting of aluminum and steel; 90 to 95 percent of the raw materials was shipped from points outside the State of Connecticut. During the same period, 90 percent of the finished products, valued at more than \$1,000,000, was sold and shipped to points outside the State of Connecticut.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Local 704, United Automobile Workers of America, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On June 8, 1943, the Union claiming to represent a majority, requested the Company to enter into collective bargaining relations with it on behalf of the timekeepers. On July 15, 1943, the Company refused, pending Board certification.

A statement of the Regional Director, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees within the unit herein found appropriate.¹

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

A representative of the Union stated at the hearing that the Union desires that timekeepers be covered by its present contract with the Company; however, in its petition the Union alleges that timekeepers constitute a separate unit. The Company takes the position that timekeepers are clerical employees and that its contract with the Union of September 22, 1941, which is presently effective, excludes them because the contract covers "all employees of the Company excluding foremen, assistant foremen, clerical help, engineers, technicians, and guards engaged exclusively in plant protection." The Company further contends that timekeepers should not be included in the unit consisting of production and maintenance employees because of their

¹The Regional Director reported that the Union submitted a petition for membership in the Union bearing six apparently genuine original signatures of persons in the Company's timekeeping department. The names of five of these appear on the Company's pay roll of September 14, 1943, which pay roll contains a total of six names in the appropriate unit.

responsibilities and duties to management. Timekeepers are attached to the timekeeping department, under the supervision of a chief timekeeper. They are paid by the hour, work the same number of hours as factory employees, and do not receive vacation time, although they do receive a vacation bonus. They merely keep and compile routine records concerning employees' working time and do not perform the functions of management or confidential employees. Each employee's time card shows the number of hours he has worked. His production ticket shows a list of pieces and the hours worked on each. The tickets and the cards must agree. The timekeepers prepare a daily efficiency report with just the above facts on it for a day which is turned over to the chief timekeeper, who computes on it the percentage of work done on one operation or number of operations. He sends it to the foreman of every department. We find that the timekeepers are primarily clerical employees, and therefore constitute a separate unit.²

Accordingly we find that all timekeepers at the Company's South Meriden plant, excluding the chief timekeeper and any supervisory employee having authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the payroll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

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 Chandler-Evans Corporation, South Meriden, Connecticut, an election 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 First Region, acting in this matter as agent for the National Labor Relations Board, and subject

² See *Matter of American Propeller Corporation*, 43 N. L. R. B. 518, 524; *Matter of Brown and Sharpe Manufacturing Company*, 36 N. L. R. B. 1083, 1090.

to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, 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, to determine whether or not they desire to be represented by Local 704, United Automobile Workers of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining.