

In the Matter of COLONIAL BROACH COMPANY and UNITED BROACH-
MAKERS OF AMERICA, INC.

Case No. 7-R-1553.—Decided November 23, 1943

Mr. Howard Simon, of Detroit, Mich., for the Company.
Mr. Harold E. McCrory, of Detroit, Mich., for the Union.
Miss Muriel J. Levor, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon amended petition duly filed by United Broachmakers of America, Inc., herein called the Union,¹ alleging that a question affecting commerce had arisen concerning the representation of employees of Colonial Broach Company, of Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Sylvester J. Phenev, Trial Examiner. Said hearing was held at Detroit, Michigan, on October 14, 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 and to file briefs with the Board. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Colonial Broach Company, a Delaware corporation, licensed to do business in the State of Michigan, operates two plants at Detroit, Michigan, one situated at Joseph Campeau and the other on Hoover Road. This proceeding is concerned with the Hoover Road plant, where the Company engages in the manufacture of broaches and

¹ A motion was made and granted at the hearing to amend the petition and other formal documents to set forth the name of the Union, as above.

53 N. L. R. B., No. 158.

broaching machines. The principal raw materials used by the Company are steel, grinding wheels, and perishable cutting tools. During the first six months of 1943 the Company purchased materials and supplies exceeding in value \$400,000, of which 70 percent was shipped from points outside the State of Michigan. During the same period the Company sold products in an amount exceeding \$1,500,000,² approximately 65 percent of which was sold and shipped to customers outside the State of Michigan.

The Company concedes for the purposes of this proceeding that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Broachmakers of America, Inc., is an unaffiliated labor organization, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

By a letter to the Company dated July 17, 1943, the Union requested recognition as exclusive bargaining agent for the Company's clerical employees. The Company refused so to recognize the Union.

A statement of the Regional Director introduced into evidence at the hearing indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.³

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 Union claims as appropriate a unit composed of all office and clerical employees of the Company's Hoover Road plant, including matrons and plant clerks and excluding supervisory employees. The Company takes the position that 23 of the 26 employees involved cannot appropriately be included in the unit because they are employed in a confidential capacity, since their presence in the general office gives them access to information which the Company does not wish made public. Aside from this contention the Company is in accord with the unit inclusions and exclusions requested by the Union,⁴ except insofar as the Company desires, and the Union opposes, the

² The transcript of the record shows this figure as \$8,500,000, an obvious error which was called to our attention by the Company after the hearing. We hereby order the transcript corrected to show the correct figure of \$1,500,000.

³ The Regional Director reported that the Union submitted 16 designations bearing names which appear on the Company's pay roll of September 1, 1943, which contains 26 names.

Nine of the designations bear apparently genuine signatures; the rest are unsigned.

⁴ The parties are agreed that department heads, the office manager and the assistant office manager are supervisors and should accordingly be excluded from the unit.

exclusion of certain employees discussed below who, the Company claims, are supervisors.

The Company's contention, that the clerical employees involved herein cannot properly constitute an appropriate collective bargaining unit because of their "confidential" duties, is based on a misconception, of our decisions concerning such employees. We have frequently held that the possession of information which the employer regards as secret is not of itself sufficient to justify depriving employees of their right to collective bargaining,⁵ since there is, in our opinion, no necessary conflict between self-organization and collective bargaining, and the faithful performance of duty. The record discloses that the employees with whom we are concerned are not charged with administrative discretion nor is any degree of managerial authority delegated to them. They perform the usual duties of the employees in the general office of a plant, such as calculating cost, billing and disbursing, etc. Most of them are clerks, bookkeepers, stenographers, timekeepers, switchboard and comptometer operators, and although their work has its confidential aspects, it is not concerned with labor relations. We have frequently held that clerical employees although they are generally excluded from units of production and maintenance employees, may constitute appropriate units⁶ and under proper circumstances that they may even be included in a single unit with manual workers.⁷ Upon these facts, we find that a unit composed of the employees of the general office is suitable for collective bargaining.

Among the employees whom the Company contends should be excluded are three who, it claims are private secretaries. Two of them, *Pell* and *Olick*, handle correspondence which it appears may concern labor relations. Accordingly, we shall exclude them. The third alleged private secretary, *Blackman*, takes dictation from the head of the engineering department, and in addition writes out quotations on machinery and fixtures and at times does the overflow work of the general office. Her position is listed as being "quotations and correspondence on machines;" she is not a private secretary in the accepted sense of the terms; and her work does not involve labor relations. The Company also claims that *Blackman*, together with employees *Krupczak*, *Hemmingsen*, *Volbari*, and *Grant*, are supervisors. The record does not support this contention. The alleged supervisors are paid on the basis of length of employment and experience, and are responsible variously, for billing, cost records, checking orders, and pay records. At times they work alone, or with one or two employees to assist them

⁵ *Matter of Creamery Package Manufacturing Company (Lake Mills Plant)*, 34 N. L. R. B. 108; *Matter of the Murray Corporation of America*, 45 N. L. R. B. 854; and *Matter of The Babcock & Wilcox Co.*, 52 N. L. R. B. 900.

⁶ *Matter of Chrysler Corporation (Marysville Plant)*, 36 N. L. R. B. 157.

⁷ *Matter of Symmonds Aerocessories, Inc.*, 42 N. L. R. B. 179; and *Matter of Phoenix Iron Company*, 38 N. L. R. B. 1320.

as required. The alleged supervisors do not have the authority to hire, promote, discharge, or discipline, although the Company claims that they have the authority to recommend changes in the status of the employees who assist them.⁸ Although it appears that their length of service with the Company and responsibility for the work involved, lends weight to any recommendation they may make concerning the efficiency of the employees who assist them, no action is taken upon such recommendation except after the making of an investigation by the department head. It does not appear that their power to make effective recommendations with respect to the status of their alleged subordinates is any greater or different than that possessed by any skilled employee who has a helper.⁹ Accordingly, we find that these employees do not have such supervisory authority as to warrant excluding them from the unit.

We find that all office and clerical employees of the Company's Hoover Road plant, including matrons, plant clerks, Blackman, Krupczak, Hemmingsen, Volbari, and Grant, but excluding Olick, Pell, the department heads, the office manager, the assistant office manager, and any other supervisory employees with 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 pay-roll 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 Colonial Broach Company, Detroit, Michigan, an election by secret ballot shall be

⁸ The record discloses that the head of the cost and pay-roll department informed employees of that department that Krupczak was not a "boss."

⁹ See *Matter of Victor Chemical Works*, 52 N. L. R. B. 194.

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 Seventh 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 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 any 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 United Broach-makers of America, Inc., for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.