

In the Matter of FRIGIDAIRE DIVISION, GENERAL MOTORS CORPORATION
and UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA,
LOCAL 801

Case No. 9-R-1213.—Decided December 24, 1943

Messrs. Harry M. Hogan and Harry S. Benjamin, Jr., by Mr. Harry S. Benjamin, Jr., of Detroit, Mich., for the Company.

Messrs. Robert N. Elsner, Henry Fiering, and Donald McNally, all of Dayton, Ohio, for the Union.

Mr. David V. Easton, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by United Electrical, Radio & Machine Workers of America, Local 801,¹ herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Frigidaire Division, General Motors Corporation, Dayton, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Benjamin E. Cook, Trial Examiner. Said hearing was held at Dayton, Ohio, on November 18, 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 are free from prejudicial error and are hereby affirmed. All parties were afforded an 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

General Motors Corporation, a Delaware corporation, with its principal offices located in New York City, and Detroit, Michigan, func-

¹ Although the petition omits the number of the local involved herein, the record indicates that "Local 801" is, in fact, the local concerned. All papers in this proceeding are hereby amended in accordance with such designation.

tions with several unincorporated divisions; among which is the Frigidaire Division with which we are concerned herein. The Frigidaire Division has its main office in Dayton, Ohio, and operates two plants in both Dayton and Moraine, Ohio, where it manufactures products and equipment for the armed forces of the United States and its allies. Approximately 50 percent of the productive materials and fabricated or partially fabricated articles used in the manufacturing and fabricating operations of the Frigidaire Division, is obtained from points outside the State of Ohio; and more than 50 percent of the manufactured products of the Frigidaire Division is shipped to points outside the State of Ohio. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Electrical, Radio & Machine Workers of America, Local 801, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about August 23, 1943, the Union requested recognition from the Company as the bargaining representative of certain of its employees; on or about August 27, 1943, the Company refused such recognition.

A statement of the Field Examiner, introduced into evidence at the hearing, indicates the Union represents a substantial number of employees in the voting unit hereinafter found appropriate.²

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.

² The Field Examiner reported that the Union submitted five designation cards, all of which bore apparently genuine, original signatures; that the names of five persons appearing upon said cards were listed on a current pay roll of the Company which contained the names of seven employees in the voting unit hereinafter found appropriate. The record indicates that there are presently eight employees in said voting unit.

The Company contends that (a) three of the designations are undated and should not be counted, and (b) if this contention is correct, the Union has failed to indicate an interest in these employees sufficient to warrant the entertainment of this proceeding. While designations bearing current dates are preferable, we have consistently accepted as a part of the representation showing undated cards that appear to bear genuine signatures. We perceive no reason for adopting a stricter rule, since the Statement Concerning Claims of Authorization for Purposes of Representation is merely a part of an administrative investigation conducted in order to determine whether or not there is sufficient evidence upon which to entertain a petition. This is an administrative matter, wholly within the discretion of the Board, and for this reason is not subject to attack by the parties to the proceeding. See *Matter of Hall Stores, Inc.*, 39 N. L. R. B. 874. Accordingly, the contentions of the Company are without merit.

IV. THE APPROPRIATE UNIT; THE DETERMINATION OF REPRESENTATIVES

On April 20, 1943, the Board issued a Decision and Direction of Election³ in which it found that all tool designers of the Company at Plant No. 1 constituted an appropriate unit.⁴ Thereafter, on May 15, 1943, the Union was certified as the collective bargaining representative of the employees in that unit.

In the instant proceeding the Union seeks to represent all employees at Plant No. 1 of the Company engaged as tool design trainees, tool design detailers, and blueprint operators. As in the prior proceeding, the Company contends that a unit confined to Plant No. 1 is not appropriate, and that because of its administrative set-up, the employees in the classifications sought by the Union herein engaged at all four plants of the Company should be included within the unit. The record indicates that the Union has confined its organizational activities to Plant No. 1, and has not attempted to organize similarly classified employees in the other three plants. Accordingly, for reason stated in our prior Decision,⁵ we shall confine the voting group to those employees of the Company engaged as tool design trainees, tool design detailers, and blueprint operators, at Plant No. 1.

The record does not clearly indicate whether or not the Union desires that these employees be constituted a separate unit, or added to the unit which it already represents. However, the evidence discloses a close functional relationship between the tool designers and the employees involved herein, both groups being employed in the tool designing department and constituting an integral part of the tool designing process. Under these circumstances, we are of the opinion that the employees concerned herein may properly be included within the unit of tool designers presently represented by the Union herein if they so desire. Accordingly, we shall direct that an election be held among all employees of the Company engaged as tool design trainees, tool design detailers, and blueprint operators, at Plant No. 1, excluding all 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 or not they desire to be included within the unit of tool designers engaged at Plant No. 1.

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the em-

³ *Matter of Frigidaire Division, General Motors Corporation*, 48 N L R B 1404

⁴ The original Decision and Direction of Election inadvertently included "all employees in the tool designing department of Plant No. 1." This error was corrected by an amendment which confined the unit to tool designers at said plant.

⁵ See footnote 3, *supra*.

ployees in the voting group hereinbefore described, 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 the National Labor Relations Board Rules and Regulations, Series 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Frigidaire Division, General Motors Corporation, Dayton, Ohio, 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 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 all employees of the Company at Plant No. 1 engaged as tool design trainees, tool design detailers, and blueprint operators, excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, 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 United Electrical, Radio & Machine Workers of America, Local 801, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.