

In the Matter of FORD MOTOR COMPANY and LOCAL 831, UNITED
AUTOMOBILE WORKERS OF AMERICA, A. F. L.

Case No. 18-R-819.—Decided December 28, 1943

Mr. I. A. Capizzi, of Detroit, Mich., and *Mr. Walter G. Nelson*, of Iron Mountain, Mich., for the Company.

Mr. Milton Rymal, of Grand Haven, Mich., for the Union.

Mr. Joseph W. Kulkis, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Local 831, United Automobile Workers of America, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Ford Motor Company, Iron Mountain, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Stephen M. Reynolds, Trial Examiner. Said hearing was held at Iron Mountain, Michigan, on November 17, 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. The 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

Ford Motor Company, a Delaware corporation, having its principal offices at Detroit, Michigan, operates a plant at Iron Mountain, Michigan, where it is normally engaged in the manufacture of station wagon bodies, wooden body parts, and the production of wood

byproducts, but presently engaged in the manufacture of cargo gliders. The Company annually purchases outside the State of Michigan, raw materials, consisting of saw logs, plywood, chemical wood, metal fittings and hardware, amounting in value to approximately \$2,250,000. Approximately 90 percent of the annual sales of over \$25,000,000, is shipped to points outside the State of Michigan. The Company admits, and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Local 831, United Automobile Workers of America, A. F. L., is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On August 27 and September 2, 1943, the Union requested the Company to recognize it as the exclusive bargaining representative of the employees within an alleged appropriate unit. The Company refuses to accord the Union such recognition unless and until the Union is certified by the Board.

A statement of the Regional Director of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees within the unit hereinafter found to be 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

The parties agree that all plant-protection employees, exclusive of foremen, constitute an appropriate unit. The parties are in disagreement, however, with reference to the inclusion or exclusion of shift leaders, relief shift leaders, and the head of the fire department; the Company desiring their exclusion on the ground that they are foremen, and the Union contending that they are ordinary employees entitled to inclusion.

The record discloses that there are approximately 70 plant-protection employees under the supervision of three shift leaders, who sit at a desk and transmit necessary instructions and orders to the

¹ The report of the Regional Director shows that the Union submitted 57 authorization cards bearing apparently genuine signatures, 52 of the cards bear names appearing on the September 20, 1943, pay roll of the Company, which contains the names of 68 persons within the alleged appropriate unit.

employees on their respective shifts. The shift leaders receive and answer all fire and emergency calls and in general correlate the activities of the department. There are also 3 relief shift leaders who normally act as substitutes for the shift leaders on Sunday only, and in the event of illness or absences for other reasons.

Nelson, the superintendent of the Company's plant, testified that the shift leaders had full responsibility for the department during the frequent absences of Young, the head of the department. He further testified that although the shift leaders did not have the authority to hire or fire, they did have the authority to recommend disciplinary action. The president of the Union, who on occasion has acted as a relief shift leader, testified that the shift leaders had the authority to transfer men about the department as the necessity arose, and that they assumed full responsibility and supervision in the event of an emergency. He further stated on the record that the men recognized the authority of the shift leaders in such instances. The vice president of the Union, who also has acted as a relief shift leader, testified that the shift leaders could recommend discharge to the head of the department.

In view of the foregoing, we find that shift leaders and relief shift leaders are supervisory employees within our usual definition; we shall, therefore, exclude them from the unit.

As to the head of the fire department, the record reveals that he does not have regular supervision over any employees. His duties consist of making the rounds of the plant and inspecting the fire equipment and fire apparatus. Although he has authority to condemn and correct fire hazards, he does not have any authority to hire or fire or to recommend discharge or disciplinary action. We shall include him in the unit.

We find that all plant-protection employees, including the head of the fire department, but excluding the shift leaders, relief shift leaders, 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, 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 means of 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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Ford Motor Company, Iron Mountain, Michigan, 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 Eighteenth 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 election, to determine whether or not they desire to be represented by Local 831, United Automobile Workers of America, A. F. L., for the purposes of collective bargaining.