

In the Matter of GENERAL MOTORS CORPORATION, FISHER BODY-FLEETWOOD DIVISION and LOCAL 15, INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW-CIO

Case No. 7-R-1356.—Decided January 18, 1944

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

Messrs. Maurice Sugar and Jack N. Tucker, of Detroit, Mich., for the Union.

Mr. Seymour J. Spelman, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon amended petition duly filed by Local 15, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of General Motors Corporation, Fisher Body-Fleetwood Division, Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Max Rotenberg, Trial Examiner. Said hearing was held in Detroit, Michigan, on November 30, 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 reserved ruling upon the motion of the Company to dismiss the amended petition on the ground that the proposed bargaining unit is inappropriate. For reasons appearing in Section IV, *infra*, we hereby deny said motion. 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:

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FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

General Motors Corporation, a Delaware corporation maintaining its principal business offices in Detroit, Michigan, and New York City, functions through several unincorporated divisions, one of which is the Fisher Body Division which operates, *inter alia*, the Fleetwood unit at Detroit, Michigan. At the Fleetwood unit, the sole plant involved herein, the Company is engaged in the manufacture of war materials for the United States Government and the United Nations. In excess of 40 percent of the raw materials used at this plant is obtained from sources outside the State of Michigan, and more than 50 percent of the finished product is shipped to points outside the State of Michigan. The Company concedes, and we find, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Local 15, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

Prior to the filing of its amended petition herein, the Union requested recognition as exclusive bargaining agent of the employees in the proposed unit, and the Company refused the request. The Company stated on the record that it refuses to grant recognition to the Union without certification by the Board.

A statement of the Acting Regional Director, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter 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

The Union, currently the bargaining agent of the Company's production and maintenance employees, seeks to represent a unit com-

¹The Acting Regional Director reported that the Union submitted 25 authorization cards, all bearing apparently genuine original signatures and dated in October 1943. Of these cards, 20 bore the names of employees on the Company's pay roll for the period ending November 16, 1943, which pay roll contained the names of 29 employees in the unit hereinafter found appropriate.

prised of all pay-roll auditors on the floor, employed at the Company's Fisher Body-Fleetwood Division, excluding supervisory employees and general time office clerks. The Company agrees with the Union on the scope of the unit, but contends that the employees therein are a part of management and, therefore, cannot constitute an appropriate bargaining unit.

The pay-roll auditors on the floor perform work which is commonly referred to as "timekeeping." They are assigned to the various departments of the plant where they work with clock cards, time sheets, and other memoranda, collecting data and making entries on various records which subsequently are used in the pay-roll and accounts departments as the basis for wage payments and cost accounting. They have no access to confidential information relating to labor relations, and they exercise no supervisory authority. It is clear from these facts that the duties of the pay-roll auditors on the floor (timekeepers) are essentially clerical in nature, and, as we have declared in previous decisions involving similar employees,² do not require the exercise of managerial discretion to a degree which would justify our depriving them of the right to self-organization and collective bargaining under the Act.

Accordingly, we find that all pay-roll auditors on the floor, employed at the Company's Fisher Body-Fleetwood Division, Detroit, Michigan, excluding general time office clerks and all 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.³

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,

² See *Matter of Bohn Aluminum & Brass Corporation*, 47 N. L. R. B. 1229; *Matter of The Murray Corporation*, 51 N. L. R. B. 189; *Matter of General Motors Corporation, Eastern Aircraft, Trenton Division*, 51 N. L. R. B. 1366

³ As stated previously, the parties were in agreement with respect to the composition of the unit, and, in the decisions cited below, the Board has found appropriate separate units of timekeepers in other divisions of the Company. *Matter of General Motors Corporation, Eastern Aircraft, Trenton Division*, 51 N. L. R. B. 1366; *Matter of General Motors Corporation (Eastern Aircraft Division, Baltimore Plant)*, 52 N. L. R. B. 954.

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 General Motors Corporation, Fisher Body-Fleetwood Division, Detroit, 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 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 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 15, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, for the purposes of collective bargaining.