

In the Matter of GENERAL MOTORS CORPORATION, OLDSMOBILE DIVISION, LANSING, MICHIGAN and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT, AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO)

*Case No. 7-R-1435.—Decided January 20, 1944*

*Mr. Henry M. Hogan, Mr. Harry S. Benjamin, Jr., and Mr. R. E. Helms, of Detroit, Mich., for the Company.*

*Mr. Maurice Sugar and Mr. N. L. Smokler, 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 petition duly filed by International Union, United Automobile, Aircraft, and 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, Oldsmobile Division, Lansing, 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 at Detroit, Michigan, on December 1, 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 petition on the grounds that (1) the Union's *prima facie* showing of representation is insufficient; (2) the employees in the proposed unit are not employees within the meaning of the National Labor Relations Act; and (3) the proposed unit is inappropriate. For reasons appearing hereinafter, 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:

## 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 Oldsmobile Division, which operates, at Lansing, Michigan, the plants involved herein, where 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 the Oldsmobile Division is obtained from sources outside the State of Michigan, and in excess of 50 percent of the finished product is shipped to points outside the State of Michigan. The Company concedes, and we find, that at its Oldsmobile Division, it is engaged in commerce within the meaning of the National Labor Relations Act.

### II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft, and 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

On April 13, 1943, the Union wrote to the Company requesting recognition as the exclusive bargaining agent of the employees in the proposed unit. On April 15, 1943, the Company replied, refusing to accord said recognition.

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.<sup>1</sup>

<sup>1</sup>The Acting Regional Director reported that the Union submitted 43 authorization cards, all bearing apparently genuine original signatures and 7 bearing dates in March and April 1943. The remaining cards were undated, but testimony adduced by the Union at the hearing indicates that most of these cards were signed since February 1943. Of the 43 cards submitted, 29 bore the names of employees on the Company's pay roll of November 1, 1943, which contained the names of 74 employees in the unit hereinafter found appropriate.

The Company's contention that the Union's *prima facie* showing of representation is insufficient because 36 authorization cards are undated is without merit. We have frequently accepted, as part of the representation showing, undated cards which bear apparently genuine original signatures, and no reason appears in the case for adopting a stricter rule. The submission of authorization cards is required, not as precise proof of the number of employees represented, but only as part of an administrative investigation to determine whether or not there is sufficient evidence to entertain a petition. This administrative investigation is wholly within the discretion of the Board and is not subject to attack by the parties to the proceeding. See *Matter of Frigidaire Division, General Motors Corporation*, 54 N. L. R. B. 55; and *Matter of H. G. Hull Stores, Inc., Warehouse*, 39 N. L. R. B. 874.

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 proposes to represent a unit composed of all timekeepers at the Main and Forge plants of the Oldsmobile Division at Lansing, Michigan, excluding supervisory employees. With respect to the scope of the unit, the Company is in agreement with the Union's proposal, but it urges the dismissal of the petition on the ground that timekeepers are a part of management and therefore are not employees within the meaning of the National Labor Relations Act.

The Oldsmobile Division at Lansing, Michigan, consists of a group of buildings known as the Main plant, and a Forge plant, located about 2 miles from the Main plant. At both plants the employees in the proposed unit are engaged in customary timekeeping work. One group, the timewriters, computes the hours on clock cards and prepares a weekly time sheet; a second group, the attendance checkers, has the duty of seeing that employees are working on the contract job to which they have been assigned and reporting errors in assignment to the foremen; another, the job contact and ticket men, check the time tickets of maintenance employees; and the rate checkers make rate entries on the time cards of hourly paid workers. They have no access to confidential information relating to labor relations, and they exercise no supervisory authority. In general, then, the timekeepers prepare records which are used to determine wage payments and the allocation of costs. As we have declared in previous decisions,<sup>2</sup> the work of timekeepers is essentially clerical in nature and does not involve the exercise of managerial discretion to a degree which would warrant our foreclosing their participation in the benefits of self-organization and collective bargaining under the Act.

Accordingly, we find that all timekeepers employed at the Company's Oldsmobile Division, Lansing, Michigan, excluding all supervisory employees with the 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.<sup>3</sup>

<sup>2</sup> See *Matter of Bohn Aluminum and 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

<sup>3</sup> As stated above, the parties were agreed on the scope of the unit, and, in the decisions cited below, the Board has found appropriate separate units of timekeepers in other divisions of the Company. See *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.

## 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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with General Motors Corporation, Oldsmobile Division, Lansing, 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 International Union, United Automobile, Aircraft, and Agricultural Implement Workers of America (UAW-CIO), for the purposes of collective bargaining.