

In the Matter of GENERAL ELECTRIC COMPANY and UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA (CIO)

*Case No. 6-R-831.—Decided February 12, 1944*

*Messrs. G. H. Pfeif, W. R. Burrows, and I. A. Terry, of Schenectady, N. Y., and Mr. H. L. R. Emmet, of Erie, Pa., for the Company.*

*Messrs. David Scribner, Frederick R. Livingston, and Leo E. Jandreau, of New York City, for the CIO.*

*Mr. Elmer D. Loose, of Erie, Pa., for the Association.*

*Miss Frances Lopinsky, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon an amended petition duly filed by United Electrical, Radio & Machine Workers of America (CIO), herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of General Electric Company, Erie, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before W. G. Stuart Sherman, Trial Examiner. Said hearing was held at Erie, Pennsylvania, on December 17, 1943. The Company, the CIO, and Association of Salaried Employees of the General Electric Company, Erie Works, herein called the Association, appeared and participated. All parties 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. 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 Electric Company, a New York corporation with its principal office in Schenectady, New York, is engaged at its plant in Erie,

Pennsylvania, in the manufacture, sale, and distribution of a large variety of electrical devices and equipment. During the 1-year period immediately preceding the hearing in this matter, the Company used at its Erie plant, raw materials such as copper and various types of insulating material, having a total value in excess of \$10,000,000, more than 50 percent of which was obtained from points outside the State of Pennsylvania. During the same period, the approximate value of the finished products of the Erie Works was in excess of \$25,000,000, of which more than 50 percent was sold and shipped to points outside the State of Pennsylvania.

The Company admits that it is engaged in commercé within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATIONS INVOLVED

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

Association of Salaried Employees of the General Electric Company, Erie Works, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the CIO as the exclusive bargaining representative of its employees until the CIO has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the CIO represents a substantial number of employees in the units hereinafter found appropriate.<sup>1</sup>

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 UNITS

The parties have agreed that the employees of the Company concerned herein can best be represented for the purposes of collective bargaining in two separate units, one, herein described as Unit A,

<sup>1</sup> The Regional Director reported that the CIO submitted 729 application for membership cards, 660 of which bore apparently genuine original signatures; that the names of 427 persons appearing on the cards were listed on the Company's pay roll of October 23, 1943, which contained the names of 1,439 employees in the appropriate units; and that the cards were dated 24 in 1940, 92 in 1941, 255 in 1942, 358 in 1943.

The Association submitted a petition bearing 232 names, 207 of which corresponded with names contained in the aforesaid pay roll. The signers asked to be represented by the Association.

consisting of planning and rate-setting employees; the other herein described as Unit B, consisting of a group of miscellaneous employees,<sup>2</sup> predominantly clerical, not heretofore contained in any bargaining unit. Since we perceive no reason to depart from their agreement, we find that the following constitute units appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

Unit A. All methodsmen, planners and rate setters, time-study employees, tool planners and wage payment clerks of the Company, but excluding rates and statistics employees, all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action, all employees within Unit B hereinafter described and all employees for which Local 506, UER & MWA has been certified by the Board; and

Unit B. All accounting clerks, billing clerks,<sup>3</sup> billing and credit clerks, bookkeepers, cost-control clerks, detailers, estimators, internal auditors, pay-roll clerks, and reduction employees in the Company's Cost Department; statistical clerk, time clerks, billing clerks, chauffeur, dispatchers, inventory-control clerks, order and stores clerks, material record clerks, pattern storage attendants, production clerks, receiving clerks, record clerks, requisition edit clerks, requisition service clerks, shipping clerks, and traffic clerks in the Company's Production Department; blueprint service clerks, calculating machine operators, catalog clerks, distributing clerks, duplicating machine operators, embossing machine operators, file clerks, general duty clerks, key punch operators, mail carriers, material list clerks, messengers, printing machine operators, publicity clerks, record clerks, stationery clerks, secretaries, stenographers, telegraph operators, telephone operators, transcribers and typists in the Company's General Clerical Department; chemists, darkroom technicians, elevator operators, laboratory mechanic, nurses, office machine repairmen, pastry cook, photographer, physical testers, powerhouse clerk, pyrometry, receptionist, test calculator, instrument calibration testers, trial order investigator, ushers, watch engineers, X-ray layout men, and X-ray technicians, but excluding all employees within Unit A and all those within the unit for which Local 506 UER & MWA has been certified by the Board, confidential employees,<sup>4</sup> guards, leaders, and all other supervisory em-

<sup>2</sup> In the record the parties transposed the designations used herein, terming this unit "Unit A" and vice versa

<sup>3</sup> The parties stipulated that these categories be included in the unit, thereby correcting the record, which shows their exclusion. The stipulation is hereby approved.

<sup>4</sup> "Confidential employees," according to the agreement of the parties, includes secretaries (and stenographers who act as secretaries), to persons who formulate labor policies, and pay-roll clerks who keep the confidential pay roll.

employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action.

#### 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.

The CIO has requested to be designated on the ballot as UE-CIO, United Electrical, Radio & Machine Workers of America. The request is hereby granted.

#### DIRECTION OF ELECTIONS

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 Electric Company, Erie, Pennsylvania, elections 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 Sixth 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 units 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 they desire to be represented by UE-CIO, United Electrical, Radio & Machine Workers of America, or by Association of Salaried Employees of General Electric Company, Erie Works, for the purposes of collective bargaining, or by neither.