

In the Matter of THE EMERSON ELECTRIC MANUFACTURING COMPANY and
UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA, CIO

Case No. 14-R-813.—Decided February 28, 1944

Messrs. F. M. Karches and D. C. Selheimer, of St. Louis, Mo., for the Company.

Messrs. R. B. Logsdon and James W. Click, of St. Louis, Mo., for the Union.

Mr. William C. Baisinger, Jr., 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, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Emerson Electric Manufacturing Company, St. Louis, Missouri, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Ryburn L. Hackler, Trial Examiner. Said hearing was held at St. Louis, Missouri, on December 16, 18, and 20, 1943. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, to introduce evidence bearing on the issues, and to file briefs with the Board. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Emerson Electric Manufacturing Company, a Missouri corporation having its principal offices and plants in St. Louis, Missouri, has been engaged in the manufacture of electrical equipment since

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about 1890. It operates two plants in St. Louis, Missouri, known as the Electrical Division and the Turret Division. At the Turret Division, the only plant involved in this proceeding, the Company is engaged in the manufacture of power operated gun-turrets for airplanes. During the fiscal year ending September 30, 1943, the Company purchased raw materials for use at the Turret Division valued in excess of 13 million dollars, of which approximately 90 percent was shipped to said plant from points outside the State of Missouri. During the same period the Turret Division manufactured finished products valued in excess of 70 million dollars, over 90 percent of which was shipped to points outside the State of Missouri.

The Company admits and we find that at its Turret Division 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 is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

By letter dated October 4, 1943, the Union informed the Company that it represented a majority of the employees within an alleged appropriate unit, and requested recognition as their exclusive bargaining representative. The Company replied by letter dated October 22, 1943, refusing to accord the Union such recognition on the ground that the proposed unit was not appropriate for the purposes of collective bargaining.

A statement prepared by the Regional Director and introduced into evidence at the hearing indicates that the Union represents a substantial number of employees within the unit which it alleges 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; DETERMINATION OF REPRESENTATIVES

The Union desires to be certified as the exclusive bargaining representative of all employees in the Engineering Change Coordination Section of the Company's Turret Division, including assistant supervisors junior, head revision clerks, head blueprint follow-up clerks, and

¹ The Regional Director reported that the Union submitted 39 authorization cards bearing apparently genuine original signatures of persons whose names appear on the Company's pay roll of November 12, 1943, which contains the names of 55 persons within the alleged appropriate unit.

head clerks of the Blueprint Substations, but excluding all supervisory employees within our customary definition. The Union contends that the Engineering Change Coordination Section employees, hereinafter referred to as the ECCS employees, comprise a cohesive and well-defined group of clerical workers, closely connected with production processes, and that these clerks function as liaison employees between production and non-production departments as do other plant clerical employees, such as the order control clerks, timekeepers, and departmental clerks who are presently within the bargaining unit represented by the Union under its contract with the Company. The Union takes the alternative positions that the ECCS employees may properly function either as a separate and distinct unit or as a part of the established production and maintenance unit, for the purposes of collective bargaining. The Company, on the other hand, contends that the employees of the ECCS are a part of its general office clerical force, and that the inclusion of the ECCS employees in the established contract unit would necessitate a transfer of them to the factory hourly wage pay roll, causing a dislocation in the Company's established salaried office structure.

Functional considerations

The ECCS consists of approximately 53 clerks, 2 stenographers and 1 change investigator. Its principal function is to route, distribute, and catalog blueprints. ECCS employees are located in various numbered stations and substations throughout the plant. After blueprints are drawn and printed by the Company's Engineering Department, they are sent to Station 2434 of ECCS located in the Company's plant adjacent to its production processes. This office is closed off from the production areas by partitions. There are offices for other factory clericals and factory executives in the same area. The general clerical offices of the Company are situated in the Company's Administrative Building, which is an entirely separate physical structure. Station 2434 has 15 employees engaged in sorting, numbering, and folding blueprints. These blueprints are then distributed to various stations and substations in the plant. Station 500 is located in an enclosed space, or crib, in the factory proper, adjacent to the Grinding Department. It has 17 employees engaged in distributing blueprints to authorized production personnel on requisition. Station 500 honors blueprint requisitions from any and all Production Departments in the plant. Substation 600 is located adjacent to and serves the Receiving-Inspection Department. Substation 200 is located adjacent to, and serves the Salvage Department. Station 800 is located adjacent to, and serves the Tool and Die Department. Station 300 is located adjacent to, and serves the Assembly Depart-

ments. Station 400 is located in the Engineering Building and serves the Methods Engineering Section which plans the physical set-up and arrangement of the factory. Substation 100 adjoins Station 500 and contains the Company's obsolete blueprint library and all blueprints that are to be sent outside the plant. Each of these substations has from 1 to 4 employees. In addition to the distribution, filing, and cataloging of incoming and outgoing blueprints, Station 500 conducts a weekly survey for the purpose of substituting new blueprints for those that have become obsolete. This work is done by 3 employees who circulate throughout the plant. In addition to these 3 employees, there is 1 distribution clerk working out of Station 2434, who also circulates throughout the plant delivering blueprints from Station 2434 to the various substations. Station 2434 directly serves various reference and private files of the Company. In this connection a copy of every blueprint is sent to various Production and Engineering offices of the Company, to subcontractors, and to the Army Air Force and Navy Inspection Departments. Station 1310 of ECCS is located in the factory office adjacent to Station 2434. It has 8 employees engaged in receiving, distributing, and cataloging Engineering Change Orders, which are preliminary instructions later incorporated in revised blueprints. This station also investigates requests of the Production Department for engineering changes in blueprints. Station 1310 also contains a Mailing Department where copies of all blueprints are mailed to the Bureau of Aeronautics of the Navy and various aircraft companies engaged in the manufacture of planes using Emerson turrets. All employees of ECCS wear the same type badge as clerical workers employed in the Company's Administration Building. The 3 or 4 ECCS employees who move about in the plant have distinguishing markings on their badges which permit them access to all parts of the factory. ECCS employees employed in Station 500 and in the substations serving production processes, work the same hours and shifts as production workers. Those employed in Stations 2434 and 1310 work the same hours and shifts as general office clerical employees. All ECCS employees punch timeclocks situated close to their stations. These clocks are also used by production workers. ECCS workers are rated under the Company's office wage rate manual and receive approximately the same pay as general office clerks, doing similar jobs with the same experience. Clerical employees already represented by the Union as part of the production and maintenance unit, such as order control clerks, timekeepers, and departmental clerks, have similar skill and experience, but are hourly rated and receive higher wages than ECCS employees.

ECCS has a separate immediate supervisory set-up consisting of a manager, who is in full charge of all ECCS functions, and an assistant

manager. They both have offices in the production factory office near but separate from Station 2434. There is one assistant supervisor located in Station 2434 and one assistant supervisor located in Station 500. The assistant supervisor in Station 500 has charge of all stations and substations located out in the plant adjacent to, and serving production areas. There is one assistant supervisor junior, located in Station 500 on the night shift. The manager of ECCS is directly responsible to the factory manager of the entire plant.

History of organization and collective bargaining

The Company and petitioner executed a collective bargaining contract in 1937 and again in each succeeding year, to and including 1940, covering production and maintenance employees in the then existing plants of the Company, namely, the plants now in the Company's Electrical Division. These contracts covered some factory clerical employees, such as tool crib clerks, supply room-clerks, foremen's clerks, and typists. On August 8, 1941, the Company and petitioner executed a union shop contract, effective to August 1, 1943, with an automatic renewal clause, covering the production and maintenance employees, including these same factory clerical employees, in both the Electrical Division and the Turret Division of the Company. This contract is still in effect by mutual agreement evidenced by exchanges of correspondence between the Company and the petitioner. On September 6, 1942, the Company and the petitioner entered into an agreement to extend the unit covered by the contract to include timekeepers and order control clerks working in the Turret Division. Prior to this agreement both timekeepers and order control clerks had been carried on the office pay roll and were part of the salaried office wage structure. When brought under coverage of the contract, these employees were transferred to the factory pay roll and became hourly rated employees. Order control clerks are a clerical group, doing liaison work between production departments and materials and supplies departments. They receive shop orders from foremen's clerks calling for certain material and blueprints. They file these orders, get the blueprints and release the order to production employees. When securing blueprints, they are very frequently in contact with the ECCS. Timekeepers are engaged in recording and compiling data from time cards to send to the Pay-Roll Department. Some timekeepers circulate throughout the plant, others work in the same factory office in which Stations 2434 and 1310 of ECCS are located.

On December 28, 1942, the contract unit was again expanded by the inclusion of cafeteria employees. On July 15, 1943, some 13 salaried clerical employees in the Inspection Department were, by similar

agreement, reclassified as departmental clerks, transferred to the hourly rated factory pay roll; and included under the coverage of the contract. The Union has bargained for and taken up grievances for all of these groups. On December 20, 1942, the Company and petitioner entered into a contract effective to January 1, 1944, covering the plant-protection employees of the Turret Division as a separate unit.

All clerical employees who are situated in the plant as distinguished from the general office in the Administration Building, except ECCS employees and two or three superintendents' secretaries, are now included in the production-maintenance unit and are bargained for by petitioner.

Conclusion

Apparently the Company's main objection to the proposed unit is based upon the fact that the ECCS employees are salaried clerks whose inclusion in the contract unit would upset the Company's established office salaried wage structure. Viewed in the light of the history of collective bargaining on behalf of the employees of the Company, this consideration is, in our opinion, of little weight. The ECCS employees are clearly differentiated from the large group of general office clerical employees of the Company who work in the Administration Building. Since they are located in the plant proper, they are physically separated from the office clericals. Furthermore, the duties of the ECCS employees are similar in nature to those of other clerical employees presently covered by the contract between the Company and the Union, and finally the ECCS employees are the only remaining group of clerical employees working in close proximity to the production processes in the plant, not covered by the Union's collective bargaining contract. Accordingly, for these reasons we are of the opinion and find that the ECCS employees may, if they so desire, form a part of the bargaining unit presently represented by the Union. In view of the absence of any question concerning representation among the employees in the present contract unit, we shall direct that a separate election be held only among the employees in the ECCS wherein a question concerning representation has arisen. If a majority of the employees involved select the Union as their bargaining representative, they will thereby have indicated their desire to and will be included in the more comprehensive unit presently represented by the union.

There remains for consideration the composition of the voting group. The evidence is clear, and we find, that the manager, assistant manager, and assistant supervisors of the ECCS all have the power

and authority to effectively recommend changes in the status of employees; thus they fall within our established supervisory formula and shall be excluded. In accordance with the stipulation of the parties we find that head revision clerks, head blueprint follow-up clerks, and head clerks of the blueprint substations possess authority similar to that exercised by leadmen in the plant proper, who are included in the contract unit. Accordingly, we shall include the aforesaid employees within the voting group.

The Union seeks to include the assistant supervisor junior in its proposed unit. The Company offered general testimony indicating that this employee has the authority to make certain recommendations to his superior, the assistant supervisor, located in Station 500. On the other hand, L. M. Link, the assistant supervisor junior, testified that he had never made any recommendations concerning the change in status of the three or four employees who work with him. According to Link's testimony, at times his immediate supervisor asks him how a given employee performs his work. His answers are confined to factual statements and do not include recommendations for promotion, demotion, up-grading, or transfer. In the main, Link's duties consist of distributing blueprints and keeping records of them the same as the other employees within his group. It is also his duty to instruct new employees in the procedure and routine of the ECCS. He is in the same salary group as is the head blueprint follow-up clerk, who the parties agree exercise no supervisory authority. We conclude that the assistant supervisor junior possesses none of the authority customarily exercised by supervisory employees. Accordingly, we shall include him in the voting group.

As previously indicated, we shall make no final determination of the appropriate unit at this time, but shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among all Engineering Change Coordination Section employees of the Turret Division of The Emerson Electric Manufacturing Company, including assistant supervisors junior, head revision clerks, head blueprint follow-up clerks, and head clerks of the blueprint substations, but excluding the manager, assistant manager, assistant supervisors and any other 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 by the Company 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.²

² At the hearing the Union requested that its name appear on the ballot as hereinafter set forth in the Direction of Election.

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 The Emerson Electric Manufacturing Company, St. Louis, Missouri, 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 Fourteenth 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 Engineering Change Coordination Section employees employed in the Turret Division of the Company, who were employed during the pay-roll period immediately preceding the date of this Direction, including assistant supervisors junior, head revision clerks, head blueprint follow-up clerks, and head clerks of the blueprint substations, and including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and further including employees in the armed forces of the United States who present themselves in person at the polls, but excluding the manager, assistant manager, assistant supervisors, and any other 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 by the Company during the pay-roll period immediately preceding the date of the Direction of Election herein, and excluding any 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, CIO, Local 1102, for the purposes of collective bargaining.

[See *infra*, 55 N. L. R. B. 1459 for Corrected Supplemental Decision and Order.]