

In the Matter of HUDSON MOTOR CAR COMPANY *and* LOCAL 889, INDUSTRIAL OFFICE WORKERS UNION, INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO)

*Case No. 7-R-1624.—Decided March 15, 1944*

*Beaumont, Smith & Harris*, by *Mr. Percy J. Donovan*, of Detroit, Mich., for the Company.

*Maurice Sugar* and *Jack N. Tucker*, by *Mr. Jack N. Tucker*, of Detroit, Mich., for the Union.

*Miss Melvern R. Krelow*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Local 889, Industrial Office Workers Union, 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 Hudson Motor Car Company, Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert J. Wiener, Trial Examiner. Said hearing was held at Detroit, Michigan, on January 27, 1944. The Company and the Union 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 an 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

Hudson Motor Car Company, a Michigan corporation, is engaged in the manufacture of war materials and equipment for the United

States Government. The Company owns and operates three manufacturing and assembly plants located in Detroit, Michigan, known as the Jefferson, Charlevoix, and Gratiot plants, which are the only plants involved herein. Approximately 50 percent of the raw materials and finished and partially finished materials used by the Company at said plants is shipped to the plants from points outside the State of Michigan, and in excess of 90 percent in value of the finished and partially finished products of the Company is shipped to points outside the State of Michigan. We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

Local 889, Industrial Office Workers Union, International Union of United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, is a labor organization, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Union has requested recognition from the Company as exclusive bargaining agent for certain of the Company's office and clerical employees. The request has not been granted by the Company.

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

The parties are in general agreement that all office and clerical employees of the Company in the Jefferson, Charlevoix, and Gratiot plants, excluding war contract analysts and corporate tax clerks (Accounting Division), time-study engineers and assistant supervisors (Planning Division), all employees in the personnel and war contracts divisions, all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, and all supervisors'

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<sup>1</sup> The Acting Regional Director reported that the Union submitted 432 cards, all of which bore apparently genuine original signatures, that the names of 297 persons appearing on the cards were listed on the Company's pay roll of December 6, 1943, which contained the names of 822 employees in the appropriate unit; and that 400 cards were dated between March and November 1943, and 32 were undated.

secretaries, constitute an appropriate unit. A dispute arises, however, with respect to certain classifications. The Union desires their inclusion, whereas the Company desires their exclusion on the ground that the employees in these classifications are confidential employees.

*Comptometer operators:* Among the 33 comptometer operators employed by the Company, there are 6 who do work for the general accounting department and at times do some work for the salary pay-roll department on tax returns of the Company, or on figures which are eventually combined into reports of earnings for the New York Stock Exchange and the Securities Exchange Commission. The Company requests the exclusion from the unit of only these 6 employees.

*Salary pay-roll clerks:* These clerks engage in duties normally associated with such employees, and as a result have knowledge of the salaries of certain salaried employees and also persons on the "special salary" pay roll.

*Labor auditors:* There are two employees in this classification, which was formerly designated as "spot checkers." They check the production employees in order to determine whether they are actually on the Company's pay roll; whether or not those whose cards are punched in are actually at their work; and whether their job classifications correspond with their actual duties.

*General audit employees:* They audit the books of other companies from which the Company receives raw materials or fabricated parts on a cost-plus basis; the year-end bonus paid to production employees, and engage in studies relating to the allocation of costs.

*Buyers' secretaries:* These employees, of whom there are 21, engage in secretarial duties clearly of a clerical nature; in addition, they do a considerable amount of telephoning for the buyers.

*Stenographers and typists (Master Mechanic's Division):* The Master Mechanic's Division plans the Company's mechanical processes of production, does all cost estimating of labor, and among other things devises methods for cutting costs. The 12 stenographers and typists employed in this division do clerical work from pencilled copies of processes laid out by the process men.

Although it appears that the work of the employees hereinabove discussed has its confidential aspects, it is not concerned with labor relations. The possession of information which the Company regards as secret, however, is not of itself sufficient to justify depriving these employees of the right to collective bargaining.<sup>2</sup> We shall, in accordance with our usual practice, include these employees within the unit.

*Telephone and telegraph operators:* These employees engage in duties normally associated with their respective classifications. The

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<sup>2</sup> See *Matter of The Babcock & Wilcox Co*, 52 N L R, B 900

Company contends that they should be excluded because they may acquire, either by inadvertence or design, knowledge respecting the Company's confidential labor affairs. While it is of course possible that the operators may obtain such knowledge, we do not regard the possibility as requiring their exclusion from the unit. It is plain that in the normal course of their duties they do not obtain such information. We shall therefore include them. The Company also desires the exclusion of one of the operators, Beatrice Turner, on the further ground that she is a supervisory employee. Although she is classified as an assistant supervisor, the record discloses that she is the only telephone operator employed by the Company in the Gratiot plant, and has no employees working under her direction or supervision. We find that she is not a supervisory employee, and we shall include her within the unit.

*Buyers:* These employees, of whom there are 21, purchase all materials required by the Company. Although these employees do not fall within our definition of confidential employees, the ground on which the Company desires their exclusion from the unit, it appears that their duties are closely allied to management, differing materially from those of the other clerical employees. We shall, therefore, exclude them from the unit.

*Leaders (Planning Division):* This division sets up special production schedules for the manufacturing division, which work the Company contends is of a confidential nature. In addition to the Company's contention that leaders are confidential employees, it maintains that they are supervisory employees. They have groups of from 3 to 10 employees under their direction. They issue work assignments, and frequently make recommendations with respect to changes in the status of employees with whom they work. The record indicates that there is no important difference between the leaders and the assistant supervisors whom the parties have agreed to exclude from the unit. We find that the leaders are supervisory employees, and we shall, accordingly, exclude them from the unit.

We find that all office and clerical employees of the Company in the Jefferson, Charlevoix, and Gratiot plants, including comptometer operators, salary pay-roll clerks, labor auditors, general audit employees, buyers' secretaries, stenographers and typists (Master Mechanic's Division), telephone and telegraph operators, but excluding war contract analysts and corporate tax clerks (Accounting Division), time-study engineers and assistant supervisors (Planning Division), buyers, all employees in the War Contracts and Personnel Division, supervisors' secretaries, leaders, and all other supervisory employees

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<sup>3</sup> The parties are in agreement, and we find, that all employees represented by other locals of the UAW-CIO and covered by contracts between the Company and such locals are excluded from the unit hereinabove found appropriate.

with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action,<sup>4</sup> 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 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 Hudson Motor Car Company, 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 889, Industrial Office Workers Union, International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO) for the purposes of collective bargaining.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Election.

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<sup>4</sup>The parties agree and we find, that William Baske J. Bretz, J. D. Shanahan, Kathryn Cullen, and Charlotte Gleason, should be excluded from the unit as falling within the category of supervisory employees.