

In the Matter of SPERRY GYROSCOPE COMPANY, INC. and UNITED
ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA, CIO

Case No. 2-R-4497.—Decided April 4, 1944

Messrs. James Connelly and Andrew J. Percival, of Great Neck, N. Y., for the Company.

Messrs. George Rooney and Liston McCaffrey, of Brooklyn, N. Y., and Mr. Frank Scheiner, of New York City, for the Union.

Mrs. Catherine W. Goldman, 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, affiliated with the Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Sperry Gyroscope Company, Inc., Brooklyn, New York, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Martin I. Rose, Trial Examiner. Said hearing was held at New York City, on March 2, 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

Sperry Gyroscope Company, Inc., a New York corporation with its principal office in Brooklyn, New York, is engaged in the manufacture of gyroscopes and related instruments. It is a member of the
55 N. L. R. B., No. 181.

ture, sale, and distribution of aeronautical and marine navigational instruments at Brooklyn, Garden City, and Great Neck, New York.

During the year 1943 the Company purchased materials, including aluminum, brass, copper, steel stock, alloy castings, electrical accessories, and various plastics, amounting to more than \$100,000, in value, 20 percent of which was shipped from outside the State of New York. During the same period gross sales of the Company's manufactured products amounted to over \$100,000 in value, about 75 percent of which was shipped outside the State of New York.

The Company admits that 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, affiliated with the Congress of Industrial Organizations, 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 Union as the exclusive bargaining representative of its employees until the Union 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 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 Company and the Union are generally agreed that the unit should include timekeepers at all of the plants of the Company, exclusive of chief timekeepers, timekeeping supervisors, and an accountant.² They are in disagreement, however, concerning timekeeping leaders, the Union contending that leaders should be included and the Company that they should be excluded as supervisory employees.

The Company maintains a uniform timekeeping organization throughout its plants. Under the comptroller of each plant is a time-

¹ The Field Examiner reported that the Union submitted 164 membership application cards; that there are 269 employees in the unit petitioned for; and the the cards were dated as follows; July 1942-January 1943, 13; January 1943-June 1943, 34; June 1943-January 1944, 101, January 1944, 11; undated, 5

² The parties agree that the accountant is a supervisory employee.

keeping supervisor who is responsible for timekeeping in the plant and has general supervision of the timekeeping department. Directly under the timekeeping supervisor and responsible to him is a chief timekeeper. Under the chief timekeeper are the timekeeping leaders who direct the activity of the ordinary timekeepers, each leader having from 6 to 25 employees under his guidance. They instruct new timekeepers, and assign and transfer timekeepers to posts within a designated area. They receive a higher rate of pay than ordinary timekeepers. The leaders are the immediate superiors of the timekeepers and are the contact between these employees and the chief timekeeper and timekeeping supervisor. They relay instructions concerning timekeeping procedures to the timekeepers. They consult with the chief timekeeper and timekeeping supervisor concerning the work, ability, and behavior of the timekeepers under their direction, and rate these employees with reference to their efficiency for the purpose of wage rate review. The record shows that they can effectively recommend discipline, discharge, and wage increases. We find that timekeeping leaders fall within our customary definition of supervisory employees, and, accordingly, we shall exclude them from the appropriate unit.³

We find that all timekeepers at the Brooklyn, Garden City, and Great Neck plants, of the Company, excluding timekeeping leaders, chief timekeepers, timekeeping supervisors, the accountant, and all other 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.

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 Union requests that its name appear on the ballot as U. E. R. & M. W. of A.-CIO, Local 450, United Electrical, Radio & Machine Workers of America, CIO. The request is hereby granted.

³ See *Matter of U. S. Cartridge Co.*, 49 N. L. R. B. 77.

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 Sperry Gyroscope Company, Inc., Brooklyn, New York, 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 Second 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 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, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.