

In the Matter of CHRYSLER CORPORATION *and* INTERNATIONAL UNION,
UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORK-
ERS OF AMERICA (UAW-CIO)

In the Matter of DODGE BROTHERS DIVISION, CHRYSLER CORPORATION
and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO)

In the Matter of CHRYSLER MOTOR DIVISION, CHRYSLER CORPORATION
and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO)

*Cases Nos. 7-R-1666, 7-R-1667 and 7-R-1668 respectively.—Decided
April 7, 1944*

*Rathbone, Perry, Kelley & Drye, by Mr. T. R. Iserman, of New
York City, for the Company.*

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

Mr. A. Sumner Lawrence, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon original and amended petitions duly filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, (UAW-CIO), herein called the Union, alleging that questions affecting commerce had arisen concerning the representation of employees of Chrysler Corporation, Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate consolidated hearing upon due notice before Robert J. Wiener, Trial Examiner. Said hearing was held at Detroit, Michigan, on February 11 and 12, 1944. 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 Company's motion to dismiss upon the ground that the units proposed by the Union are inappropriate, is denied for reasons hereinafter stated. The Trial Examiner's rulings made at the hearing

are free from prejudicial error and are hereby affirmed. All parties were afforded the 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

Chrysler Corporation, a Delaware corporation, has its principal place of business at Detroit, Michigan, where until February 1, 1942, it was primarily engaged in the manufacture and sale of automobiles, parts, and accessories. At the present time, the Company is engaged almost exclusively in the manufacture of munitions for the United States Government, and in the operation of plants in the States of Michigan, Ohio, Illinois, and California. In the course of its business, the Company uses annually raw materials having a value in excess of \$240,000,000, and produces annually finished products valued in excess of \$600,000,000. Of the raw materials, approximately 45 percent used in each of the Company's plants is received from points outside the State in which the plant is located. The present proceeding concerns only employees in the Highland Park, Dodge Main, Jefferson, Kercheval, and Bofors Gun plants in the city of Detroit, Michigan.

II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft & Agricultural Implement 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

On November 26, 1943, the Union, claiming majority representation among the engineers, designers, draftsmen, and the employees in certain departments in the Detroit, Michigan, plants hereinabove referred to, requested that the Company arrange a meeting for the purposes of collective bargaining. In reply thereto, the Company advised the Union that in the absence of a certification from the Board, it could not grant the Union's request.

A statement of a Field Examiner for the Board, introduced into evidence at the hearing in each of the cases herein involved, indicates that the Union represents a substantial number of employees in each of the units hereinafter found appropriate.¹

¹ The Field Examiner reported that in Case No. 7-R-1666 (Highland Park Unit) the Union had submitted 204 designations dated almost entirely in December 1943, of which 192 bore the apparently genuine original signatures of persons whose names appear on

We find that questions affecting commerce have arisen concerning the representation of employees of the Company within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

IV. THE APPROPRIATE UNITS

Highland Park Unit

The Union contends that all employees in the passenger car chassis, passenger car body, truck body and chassis, electrical designing or drafting, and research development divisions of the Company's Highland Park engineering plant in the classifications of body drafting learner, body detailer, body minor lay-out, body panel detailer, body full-size lay-out, body designer, checker body drafting, body art detailer, body art designer, chassis drafting learner, chassis drafting detailer, chassis lay-out, chassis designer, chassis checker, clay modeler, metal lay-out and checker, wood lay-out and checker, and engineering record clerk, excluding 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 other employees, constitute a unit appropriate for the purposes of collective bargaining. The Company does not oppose the unit as proposed by the Union except with respect to the classifications of body art detailer, body art designer, metal lay-out and checker, wood lay-out and checker, engineering record clerk, and the employees of the research development division.

Body art detailer and designer

The employees in the classification of body art designer work on graphic illustrations of objects for which production is proposed. Body art detailers work on a smaller scale and perform easier tasks, but do similar work. The purpose of the art designer's drawing is to show a completed piece in perspective. The drawings at the present time are principally of airplane parts and are based on the mechanical drawings of draftsmen employed by the Company.

the Company's pay roll of January 5, 1944, containing 317 names within the claimed appropriate unit.

The Field Examiner reported that in Case No. 7-R-1667 (Dodge Main plant) the Union had submitted 59 designations dated between November 6 and December 8, 1943, of which 53 bore the apparently genuine original signatures of persons whose names appear on the Company's pay roll of January 5, 1944, containing 81 names in the claimed appropriate unit.

The Field Examiner reported that in Case No 7-R-1668 (Jefferson, Kercheval and Bofors Gun plants unit) the Union had submitted 84 designations dated between October 20 and November 11, 1943, of which 61 bore the apparently genuine original signatures of persons whose names appear on the Company's pay roll of January 5, 1944, containing 103 names in the claimed appropriate unit

During peacetime operations, designers and detailers originate ideas with respect to the interior or exterior parts of automobiles with the chief object of improving the appearance of the product. In the performance of these duties designers and detailers work in close relationship to the draftsmen and engineers. Of the last mentioned employees, the engineers have the task of devising ways to use the designs created by the designers and detailers. In like manner, the draftsmen, whose pay approximates that of the designers and detailers, make detailed drawings for production of the plans thus devised by the engineers. While the body art designers and detailers were not specifically mentioned in a prior representation proceeding affecting the plant under consideration,² the unit as therein established clearly included employees engaged in "lay-out designing, checking, and detailing."³ We shall, accordingly, include body art designers and detailers in the unit hereinafter found appropriate for the purposes of collective bargaining.

Wood lay-out and checker; metal lay-out and checker

The employees in these categories do similar work, the main difference being that wood lay-out and checkers work with wood in the wood shop, whereas metal lay-out and checkers work with metal in the sheet metal room of a production department. While there is no interchange between either group and the employees in the drafting room, it appears that the employees in both classifications perform work of the same technical nature as that done by the draftsmen with respect to whose inclusion within the unit the Company has no objection. Under the circumstances, including the fact that employees of like description were included in the unit previously found appropriate for this particular plant,⁴ we shall include wood lay-out and checkers together with metal lay-out and checkers within the unit of technical employees hereinafter found appropriate in this instance.

Engineering record clerk

With respect to this employee classification, the record reveals that while engineering record clerks perform duties of a clerical nature they work, nevertheless, in close association with members of the Engineering Department.⁵ Moreover, although such employees are not

² See *Matter of Dodge Brothers Division Chrysler Corporation*, 33 N. L. R. B. 927 at 931 (Chrysler Unit). The Highland Park plant was formerly known as the Passenger Car Body Engineering Division.

³ The Board has on various occasions included in drafting and technical units, designers, detailers, and similar employee classifications. See *Matter of Art Metal Construction Company*, 40 N. L. R. B. 842; *Matter of Hope's Windows Inc.*, 41 N. L. R. B. 430.

⁴ See footnote 2.

⁵ Engineering record clerks work in the same room with the draftsmen, separated only by a partition which does not reach the ceiling.

required to have technical knowledge for the performance of their duties, it appears that such knowledge is not only desirable but that it is absorbed to a considerable degree by the employees in question in the course of their association with the engineers and other technically trained employees. In view of such relations and the resulting opportunity for acquiring technical knowledge, such employees would appear to be clearly distinguishable from the ordinary file clerks, typists, and stenographers comprising the balance of the clerical employees in the engineering department. Under these circumstances, and in view of the fact that the only labor organization involved is seeking to represent these non-professional employees, together with the technical and professional employees of the engineering department,⁶ and the further fact that there is nothing in the record to indicate that any labor organization now represents or is seeking to represent a unit of clerical employees, we shall include within the appropriate unit for this plant the engineering record clerks hereinabove referred to.⁷

Employees of the research development division

The Company requests that all employees of this division of the Highland Park plant be excluded from the unit and that, if this request be denied, that separate units be established for the five divisions included within the unit proposed by the Union.

The record contains undisputed testimony to the effect that the draftsmen, designers, and engineers who are employed in the research development division do work in all respects similar to the work performed by employees in the same work classifications in other divisions of the plant. Although its contention is not clear, the Company apparently bases its request for exclusion upon the fact that the employees in this division have confidential information which it would embarrass the Company to have revealed to its competitors. There is, however, no evidence to indicate that such employees bear any confidential relationship to the Company with respect to its labor relations. In the absence of such evidence, we find that the employees of this division are not confidential employees in the sense that their presence in the bargaining unit would embarrass the Company in its dealings with labor organizations.⁸ We shall, accordingly, include the employees of the research development division within the unit

⁶ See *Matter of Shell Development Company, Inc.*, 35 N. L. R. B. 192.

⁷ The Board has in numerous instances, under similar circumstances, included both technical and clerical employees within a single bargaining unit. See *Matter of Westinghouse Electric & Manufacturing Co.*, 31 N. L. R. B. 605; *Matter of E. P. Dutton & Co.*, 33 N. L. R. B. 761; *Matter of Aluminum Ore Company*, 39 N. L. R. B. 1286; *Matter of Kennecott Copper Corporation*, 40 N. L. R. B. 1300.

⁸ See *Matter of Murray Corporation*, 45 N. L. R. B. 854, 858.

hereinafter found appropriate for the purposes of collective bargaining with respect to the employees of the Highland Park plant.

The further contention of the Company that separate units should be established for the employees of the five divisions hereinabove referred to is clearly without merit. The evidence shows that the work of the five divisions forms a coherent whole from a functional point of view. A division in the manner urged by the Company would have the practical effect of frustrating the employees' efforts to achieve collective bargaining with the Company. So far as the record shows, the Company contended for no such separation at any time prior to the hearing in the present proceeding. The request of the Company for the establishment of separate units for the said five divisions in the Highland Park plant is accordingly denied.

We find that all employees in the passenger car chassis, passenger car body, truck body and chassis, electrical designing or drafting, and research development divisions of the Highland Park Engineering plant of the Company who are employed in the classifications of body drafting learner, body detailer, body minor lay-out, body panel detailer, body full-size lay-out, body designer, checker body drafting, body art detailer, body art designer, chassis drafting learner, chassis drafting detailer, chassis lay-out, chassis designer, chassis checker, clay modeler, metal lay-out and checker, wood lay-out and checker, and engineering record clerk, excluding 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 other employees, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

Dodge Main Unit

The Union contends that all tool, die, and fixture engineers, designers, follow-up men, tool trouble men, detailers, and engineering record clerks in the master mechanics division of the Company's Main Dodge plant, but excluding executives, 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 other employees, constitute a unit appropriate for the purposes of collective bargaining. The Company makes no contention with respect to the appropriateness of the proposed unit other than to request the exclusion of engineering record clerks.

The question with respect to the inclusion or exclusion of engineering record clerks is similar to that already considered in connection with the Highland Park plant. In addition thereto, it appears that the engineering clerks at the Dodge Main plant perform the same duties as did the engineering record clerks considered by the Board in a prior

representation proceeding involving the same plant of the Company,⁹ and included within the technical unit therein found appropriate. Under the circumstances, we shall include the engineering record clerks herein concerned in the same unit with the technical employees comprising the balance of the proposed unit at the Dodge Main plant and concerning whom no question has been raised by the Company.

We find that all tool, die and fixture engineers, designers, follow-up men, tool trouble men, detailers, and engineering record clerks who are employed in the master mechanics division of the Dodge Main plant, excluding 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 other employees constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

Jefferson, Kercheval, Bofors Plants

The Union contends that all employees of the Jefferson-Kercheval-Bofors plants of the Company (including the Curtis Wing Division), who are employed in the master mechanics, plant engineering, and engineering research divisions in the classifications of designer, detailer, tool, die and gauge engineer, checker, lay-out man, tool trouble man, tool follow-up man, draftsman, property officer,¹⁰ plant lay-out engineer, tool supply clerk, and engineering record clerk, excluding 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 other employees, constitute a unit appropriate for the purposes of collective bargaining. The Company takes no position with respect to the proposed unit except that (1) it objects to the inclusion of property officers, tool supply clerks, engineering record clerks, and all employees of the engineering research division; (2) it contends that the employees in the plant engineering division should not be in the same unit with employees of the master mechanics division.

Property officer; tool supply clerk

The employees in the classification of property officer formerly had the limited duty of keeping a record of the location and use being made of all machines in the plant. At the present time, as the result of war contracts held by the Company, property officers have the additional duties of keeping records of obsolete tools and equipment, whether owned by the Company or by the Government. Their work is done for

⁹ See *Matter of Dodge Brothers Division-Chrysler Corporation*, 33 N. L. R. B. 927 at 930.

¹⁰ Property officers are also referred to in the record as "equipment record clerks" and "machine equipment record clerks."

the engineering department, and like all technical and clerical employees, they are paid on a salary basis.

The employees described as tool supply clerks have the duties of keeping a record of all tools stocked by the stockroom, and of requisitioning an additional supply when needed. In addition thereto, such employees have the duty of checking with the salvage department to ascertain whether available tools are held by that department. On occasion, tool supply clerks are consulted by engineers as well as production supervisors as to whether or not the stockroom holds certain tools which may be desired.

While both property officers and tool supply clerks do work of a clerical nature, such work is done in close association with members of the engineering department, either in connection with reporting the location of tools, or the answering of inquiries from the engineers as to the availability of certain tools for specific purposes. Like the engineering record clerks previously considered, property officers and tool supply clerks have, through their association with members of the engineering department, opportunities for obtaining technical knowledge not usually available to ordinary clerical employees.¹¹ We shall, accordingly, include both property officers and tool supply clerks within the appropriate unit of technical engineering employees.

Engineering record clerk

Although there are at present no employees in this category at the Jefferson-Kercheval-Bofors plants, these plants formerly employed, during the period of automobile production, employees who fitted the description of "engineering record clerks," included within the appropriate unit of technical employees at the Dodge Main plant of the Company under the prior proceeding hereinabove referred to.¹² In view of the fact that the Company may in the future employ at this group of plants persons of this description, having the same duties as those previously referred to, we shall include the classification of engineering record clerk within the appropriate unit.

Employees of the engineering research division

The contention of the Company that the employees of this division should be excluded from the appropriate unit, is substantially the

¹¹ The association with engineering employees is particularly clear in the case of the tool supply clerks who the record shows act as intermediaries between the tool contact man and the tool engineer.

¹² See *Matter of Dodge Brothers Division-Chrysler Corporation*, 33 N. L. R. B. 927 at 930. The classification of engineering record clerk was likewise included in a technical unit in a prior representation proceeding involving the Jefferson, Kercheval, and Bofors Gun plants of the Company under present consideration. See *Matter of Chrysler Corporation Chrysler Motor Division*, 38 N. L. R. B. 749 at 752.

same as that previously considered and rejected in the case of the employees of the research development division in the Highland Park plant. For the reasons already stated above, we shall include the employees of the engineering research division within the appropriate unit.

The further contention of the Company that the employees of the plant engineering division should not be in the same unit with employees of the master mechanics division, has been previously urged and rejected in the prior representation proceeding already referred to and affecting the plants under present consideration.¹³ Upon the grounds therein stated, we shall include the employees of the plant engineering division in the same unit with those of the master mechanics division.

We find that all employees of the Jefferson (including the Curtis Wing Division), Kercheval, and Bofors Gun plants of the Company who are employed in the master mechanics, plant engineering, and engineering research divisions in the classifications of designer, detailer, tool, die and gauge engineer, checker, lay-out man, tool trouble man, tool follow-up man, draftsman, property officer, plant lay-out engineer, tool supply clerk, and engineering record clerk, excluding 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 other employees, 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 questions concerning representation which have arisen concerning employees of the Company be resolved by elections by secret ballot among the employees in the appropriate units who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.

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 Chrysler Corporation, Detroit, Michigan, elections by secret ballot shall be conducted

¹³ See *Matter of Chrysler Corporation, Chrysler Motor Division*, 38 N. L. R. B. 749 at 752.

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 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 any 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 & Agricultural Implement Workers of America (UAW-CIO), for the purposes of collective bargaining.