

In the Matter of THE HOOVER COMPANY *and* UNITED ELECTRICAL, RADIO
& MACHINE WORKERS OF AMERICA (CIO)

Case No. 8-R-1416.—Decided March 14, 1944

Mr. H. E. Black, of Canton, Ohio, and *Messrs. O. C. Heffner, C. E. Vogel*, and *H. Johnson*, of North Canton, Ohio, for the Company.

Mr. Ralph D. Marcus, of Canton, Ohio, for the Union.

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

DECISION

AND

ORDER

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 Hoover Company, North Canton, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Louis Plost, Trial Examiner. Said hearing was held at Canton, Ohio, on February 23, 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 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

The Hoover Company is an Ohio corporation having its principal office and factory in North Canton, Ohio. The Company's ordinary business is the manufacture of vacuum cleaner devices. At the present time the Company is engaged in the manufacture of war materials under prime and subcontracts for the United States Army and Navy.

The principal raw materials used by the Company in its ordinary business consists of aluminum, magnesia, bakelite, rubber products, bag material, and steel, of which 60 percent is shipped to the Company from points outside the State of Ohio. The Company manufactures finished products, of which in excess of 50 percent is shipped to points outside the State of Ohio. The Company's business at the present time consists of the manufacture of products for the national war effort to the extent of approximately 99 percent of its output. The value of the raw materials and the value of the Company's finished product will in each instance exceed more than \$1,000,000 annually.

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 ALLEGED APPROPRIATE UNIT

The Union contends that all hourly paid stenographers and clerical workers in the foremen's, general foremen's, and superintendents' offices, excluding supervisory employees constitute an appropriate unit. The Company contends that clerical employees have been excluded from the collective bargaining contract between the Company and the Union which covers the production and maintenance employees, and that the Union, therefore, cannot represent these employees. We have frequently held such contention to be without merit.¹ The Company further maintains, however, that these employees are confidential and as such cannot form an appropriate unit.

The Company employs 33 stenographers and clerks in the unit sought herein. One stenographer and some clerks are assigned to and are under the supervision of each of 6 superintendents. A stenographer is also assigned to each of certain of the 19 general foremen. However, the majority of the general foremen together with 45 other ordinary foremen utilize, as needed, any of the stenographers and clerks not otherwise specifically assigned. Although some of these employees are physically located in the offices of the supervisory personnel here involved, the majority, who are generally assigned to a specific department, are located in adjoining offices. They prepare reports dealing with confidential instructions regarding employees' overtime allowances, earning adjustments, rate change requests, etc. They also

¹ See *Matter of General Motors Corporation, Eastern Aircraft Trenton Division*, 51 N. L. R. B. 1366, and cases cited therein.

prepare and have access to correspondence between members of management and the supervisory groups herein, and confidential memoranda and reports arising from the investigation of grievances or pertaining to other labor relations matters.

We have previously expressed our awareness of the fact that in negotiating and in the settlement of grievances, the interests of a union and the management are ordinarily adverse. Consequently, we have adhered to the opinion that the management should not be required to handle labor relations matters through employees who are represented by the union with which the Company is required to deal and who in the normal performance of their duties may obtain advance information of the Company's position with regard to contract negotiations, the disposition of grievances, or other labor relations matters.² Since the unit here sought is confined solely to employees of the aforementioned confidential type, we are of the opinion that the unit is inappropriate for the purposes of collective bargaining and, accordingly, that no question has arisen concerning the representation of employees of the Company in an appropriate bargaining unit.

ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of The Hoover Company, North Canton, Ohio, filed by United Electrical, Radio & Machine Workers of America (CIO) be, and it hereby is, dismissed.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Order.

² See *Matter of Brooklyn Daily Eagle*, 13 N. L. R. B. 974.