

In the Matter of CHRYSLER CORPORATION, PLYMOUTH DIVISION and LOCAL 51, INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW-CIO

*Case No. 7-R-1713.—Decided June 8, 1944*

*Messrs. Rathbone, Perry, Kelly and 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. Joseph E. Gubbins, of counsel to the Board.*

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Local 51, 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 Chrysler Corporation, Plymouth Division, Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Max Rotenberg, Trial Examiner. Said hearing was held at Detroit, Michigan, on April 18, 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 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. Subsequent to the hearing, the Company requested oral argument before the Board. The request is hereby denied.

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 having its principal office at Detroit, Michigan, operates plants in several parts of the

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United States, including the Plymouth Division at Detroit, Michigan, which is solely involved herein. The Company is normally engaged in manufacturing automobiles, automobile parts, and accessories, but is now engaged in manufacturing munitions for the United States Government. In the course of its business operations the Company annually uses raw materials valued in excess of \$500,000,000, and annually manufactures products valued in excess of \$1,000,000,000. Of the raw materials used at its many plants, including the Plymouth Division, approximately 45 percent thereof is received from points outside the State in which each plant is located.

The Company concedes that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

Local 51, International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, UAW-CIO, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the collective bargaining representative for certain of its employees until the Union has been certified by the Board.

A statement prepared by a Field Examiner, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be 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

A unit comprised of all persons engaged in the timekeeping department of the Company's Plymouth Division, including "key men," but excluding the secretary to the chief timekeeper, the factory auditor, assistant factory auditor, chief timekeeper, and assistant chief timekeeper, is sought by the Union. Urging that this unit is inappropriate, the Company argues that those whom the Union desires to represent act "in the interest" of their employer and consequently are themselves "employers" within the meaning of Section 2 (2) of the Act. The Company further contends that "key men" should in any case be excluded on the ground that they are supervisory employees.

<sup>1</sup> The report of the Field Examiner shows that the Union submitted receipts evidencing dues payments made by 21 employees in the unit alleged by the Union to be appropriate; there are approximately 25 employees in the proposed unit.

Apart from those employees whom the Union would exclude, there are approximately 14 Class A timekeepers, 7 Class B timekeepers and checkers, and 3 "key men" in the timekeeping department of the Company's Plymouth Division. They perform duties usually associated with their job classifications. Thus, they observe employees as the latter punch their time cards in order to make certain that one does not punch in or out for another or for an absentee. They ascertain whether employees are working at their assigned tasks, report absences, make out time records and reports, and distribute pay checks, war bonds, and insurance policies. All 3 categories are under the chief timekeeper's immediate supervision. "Key men" have the same general duties as timekeepers and checkers. Although "key men" are salaried, whereas timekeepers and checkers are hourly paid, they, like the latter, do not have authority to hire, discharge, or effect changes in the status of employees. Moreover, we are convinced that none of the 3 groups has the power effectively to recommend such action. The activities of timekeepers, checkers, and "key men" and their relation to the rank and file employees reveal that they do not possess the usual incidents of supervisory authority which could mark them as representatives of management. Their functions are merely monitorial in nature. Furthermore, they are concerned with designated duties none of which affect the determination or enforcement of the Company's labor policy. We conclude that timekeepers, checkers, and "key men" do not act "in the interest" of the Company as that phrase is used in Section 2 (2) of the Act, and that all are in fact "employees" within the purview of Section 2 (3) of the Act,<sup>2</sup> without supervisory authority. In view of their common interests and similar functions, we are persuaded that they form an appropriate unit.<sup>3</sup>

We find that all timekeepers, checkers, and "key men" employed in the timekeeping department of the Company's Plymouth Division, excluding the secretary to the chief timekeeper, the factory auditor, assistant factory auditor, chief timekeeper, assistant chief timekeeper, 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 means of an election by secret ballot among

<sup>2</sup> See *N. L. R. B. v. Hearst Publications*, 322 U. S. 111, reversing 136 F. (2d) 608 (C. C. A. 9), setting aside 39 N. L. R. B. 1245 and 1256.

<sup>3</sup> See *Matter of Chrysler Corporation, New Castle Division*, 55 N. L. R. B. 1215, and cases cited therein.

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 Chrysler Corporation, Plymouth Division, 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 any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of election, to determine whether or not they desire to be represented by Local 51, International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, UAW-CIO, for the purposes of collective bargaining.