

In the Matter of GENERAL MOTORS CORPORATION, CHEVROLET GEAR AND AXLE DIVISION and INDUSTRIAL OFFICE WORKERS AMALGAMATED LOCAL 889, INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (U. A. W.-C. I. O.)

Case No. 7-R-1690.—Decided June 20, 1944

Mr. Henry M. Hogan, by *Mr. Harry S. Benjamin*, of Detroit, Mich., for the Company.

Mr. Forest C. Fair, of Detroit, Mich., and *Messrs. Maurice C. Sugar* and *Jack N. Trucker*, by *Mr. Jack N. Trucker*, of Detroit, Mich., for the Union.

Mrs. Platonia P. Kaldes, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Industrial Office Workers Amalgamated Local 889, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (U. A. W.-C. I. O.), herein called the Union; alleging that a question affecting commerce had arisen concerning the representation of employees of General Motors Corporation, Chevrolet Gear and Axle Division, 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 April 28, May 6, and 10, 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. During the course of the hearing, the Company moved to dismiss the petition on the grounds that: (1) the unit petitioned for was inappropriate; and (2) that there was no evidence introduced to support the allegations of the petition. The motion was referred to the Board. For the reasons hereinafter set forth, we find no substantial merit to the Company's contention with respect to the unit. The second contention respecting the lack of evidentiary support for the allegations of the petition was

made at the outset of the hearing; subsequently, substantial evidence was adduced. Accordingly, we shall deny the motion. 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

General Motors Corporation, a Delaware corporation with its principal business offices at New York City, and Detroit, Michigan, functions, for business reasons, through several unincorporated divisions. One of these divisions, the Chevrolet Gear and Axle Division, is solely involved in this proceeding. The Chevrolet Gear and Axle Division processes and manufactures goods and materials for sale and for delivery to the United States Government for use by the armed forces of the United Nations. More than 50 percent of the value of the goods and materials used in the processing and manufacturing operations at the Chevrolet Gear and Axle Division comes from sources outside the State of Michigan, and more than 50 percent of the value of the finished products there processed or manufactured is destined for points outside the State of Michigan.

The Company admits that, at its Chevrolet Gear and Axle Division, it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Industrial Office Workers Amalgamated Local 889, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (U. A. W.-C. I. O.), 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 certain of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of the Trial Examiner, made at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

¹ The Trial Examiner stated that the Union submitted to him 94 application cards, 60 of which bore names of persons appearing on the Company's pay roll of January 24, 1944; that the said pay-roll contained the names of 114 employees in the alleged appropriate unit; and that the 60 cards were dated as follows: 42 in December 1943, 6 in January 1944, and 12 were undated.

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 principal unit issue here presented is whether a group of office employees whom the Union seeks to represent, occupy a confidential relationship to management or perform work of a confidential nature, of such a type that, as the Company claims, they should be denied the right to bargain collectively. If this issue is decided against the Company, the Company agrees that, with the exception of the employees in the cashiers section, comptometer section, and office service section, whom the Company would exclude and the Union would include, all office employees of the accounting department² of the Company's Chevrolet Gear and Axle Division at Detroit, Michigan, excluding timekeepers, secretaries to persons with the job classification of "supervisor" or job classification higher than "supervisor," the defense coordinator and the group leader and clerk under his supervision; and all supervisory employees,³ constitute an appropriate bargaining unit.

The record establishes that, with certain exceptions noted below, the employees the Union seeks to represent perform, in the Company's offices, work of a routine clerical nature in connection with cost, pay roll, and production figures. While, as the Company argues, many of them, including the comptometer section employees, have access to confidential management information and secret data with respect

² The petition alleges that all office employees in the pay-roll department, tabulation department, production cost department, non-productive cost department, accounts payable department, invoice audit department, audit department, general ledger department, cashiers' department, timekeepers' department, and office service department, including comptometer operators, and excluding supervisory employees, constitutes an appropriate unit. The foregoing enumerated "departments" are all carried on the Company's records as sections of the accounting department, and for the sake of clarity are herein referred to as "sections."

During the course of the hearing, the parties entered into a stipulation for certification upon the holding of a consent election for a unit confined to timekeepers, whereupon the Union withdrew its contention that timekeepers should be included in the unit. In addition, the parties stipulated that all office employees in the accounting department whose exclusion or inclusion was not specifically disputed, should be included in the unit.

³ The parties specifically stipulated for the exclusion of the following supervisory employees, presumably so that no future dispute would arise as to whether or not any of them falls within the definition of supervisory employees: the supervisor of the productive cost and non-production cost section; the head stenographer; four employees in the pay-roll section: the supervisor, department head, paymaster and assistant paymaster (it being stipulated further that one Grabowski was not an assistant paymaster); two employees of the tabulation section: the department head and the head of the key punch section; two employees of the non-productive cost section: the department head and a group leader; four employees of the productive cost section: the department head and three group leaders; two employees of the accounts payable section: the supervisor and a department head; four employees of the audit section: the department head and three supervisors; three employees of the general ledger section: a department head, supervisor and a group leader; the supervisor of the cashiers section; and two employees of the comptometer section: the department head and a supervisor.

to the fulfillment of war contracts such information does not relate directly to the problems of labor relations. In view of the foregoing facts, we are of the opinion that the accounting department employees generally, and the comptometer section employees specifically, should not be denied the right to collective bargaining.⁴ In connection with the latter group of employees, all of whom operate comptometer machines and do related clerical work, the Company's contention that they be excluded from the unit in any event appears to be based on the claim that the production or other figures to which they have access are of a more secret nature than those to which other accounting department employees generally have access. There is no evidence, however, that the type of information to which comptometer section employees have access differs from that available to other accounting department employees generally. The difference in the degree of secrecy is not of itself sufficient to warrant their exclusion. Accordingly, we shall include them in the unit hereinafter found appropriate.

With respect to the office service section employees, the Company alleges that the nature of the work they perform, the functions they serve and the conditions under which they work are so dissimilar to those of the other employees here involved that they should not, in any event, be included in the unit of accounting department employees. The evidence shows that the office service section employees, approximately eight in number, are, like the bulk of their fellow employees in the accounting department, engaged primarily in the performance of routine clerical work,⁵ that they are paid on a salary basis, and work the same number of hours as do the others. The record establishes also that the office service section employees seek to be represented by the Union,⁶ and that no labor organization other than the Union seeks to represent them. Although, as the Company points out, the office service section employees work on the first floor of the building in which the accounting department is housed, and the other accounting department employees work on the second floor of the building, we do not consider this physical separation to be controlling under the circumstances here presented. It is clear that the interests, skills, and working conditions of the office service section employees are similar to those of the other accounting department employees here involved. Nor is it material, in the view we take of this case, that, as the Company stresses, the office service section employees do not work primarily with figures as the others in the accounting depart-

⁴ See e. g., *Matter of Poultrymen's Service Corporation*, 41 N. L. R. B. 444, enforced 138 F. (2d) 204 (C. C. A. 3); *Matter of Chrysler Corporation (Marysville Division)*, 36 N. L. R. B. 157, 161, *Matter of Murray Corporation*, 45 N. L. R. B. 854, 857.

⁵ More specifically, their duties consist of opening and delivering office mail, maintaining and delivering office stationery stocks, maintaining the storage of plant records which are no longer current, and doing mimeograph and duplicating work.

⁶ Of the cards submitted by the Union to the Trial Examiner, seven were for office service section employees. There are eight employees in this section and one supervisor.

ment do, that there is no interchange of employees between this and other sections of the department, and that the office service section performs services for all departments of the plant directly, while the other sections of the accounting department perform services for all departments of the plant indirectly. In view of the foregoing, and also the fact that the office service section is part of the accounting department, we perceive no reason why the office service section employees should be excluded from the appropriate unit.

We agree with the Company's contention, however, that the cashiers section employees should be excluded from the unit. The record establishes that the five employees in this section spend a considerable part of their working time taking stenographic dictation from Company officials,⁷ and that such dictation may, and sometimes does, pertain to confidential matters involving the Company's labor relations. Accordingly, we shall exclude them from the unit.⁸

We find that all office employees of the accounting department of the Company's Chevrolet Gear and Axle Division at Detroit, Michigan, including comptometer section employees and office service section employees, but excluding timekeepers, secretaries to persons with the job classification of "supervisor" or job classification higher than "supervisor," the defense coordinator and the group leader and clerk under his supervision, the cashiers section employees, and all 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.

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

⁷ Two of the five employees spend about 25 percent of their time acting as secretaries to two top executives of the accounting department; the other three spend about 16% percent of their time taking dictation from these same executives

⁸ Cf. *Matter of Chrysler Corporation*, 36 N. L. R. B. 157, 160-161; *Matter of Creamery Package Mfg. Co.*, 34 N. L. R. B. 108, 110.

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with General Motors Corporation, Chevrolet Gear and Axle 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 the 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 Industrial Office Workers Amalgamated Local 889, International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (U. A. W.-C. I. O.), affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.