In the Matter of GENERAL ELECTRIC COMPANY *and* INTERNATIONAL FEDERATION OF ARCHITECTS, ENGINEERS, CHEMISTS & TECHNICIANS (CIO)—CHAPTER 13

Case No. 4-R-1348.—Decided July 6, 1944

Messrs. Robert Paxton, C. H. Black, and *V. L. Cox*, of Philadelphia, Pa., for the Company.

Messrs. Saul C. Walbaum and *Theodore Vincent*, of Philadelphia, Pa., and *Mr. Martin Cooper*, of New York City, for the Union.

Mr. Joseph E. Gubbins, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon petition duly filed by International Federation of Architects, Engineers, Chemists & Technicians (CIO)—Chapter 13, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of General Electric Company, Philadelphia, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Goeffrey J. Cunniff, Trial Examiner. On May 10, 1944, the Board ordered the record reopened and a further hearing held for the purpose of adducing additional evidence with respect to the supervisory status of certain employees. Upon due notice to the parties, said hearing was held at Philadelphia, Pennsylvania, on May 25 and 26, 1944, before Geoffrey J. Cunniff, Trial Examiner. At both hearings, 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. Following each hearing, the Company filed a motion for the correction of certain errors in the transcript. No objection having been made, the motions are hereby granted and the transcripts are ordered corrected accordingly. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

I. THE BUSINESS OF THE COMPANY

General Electric Company is a New York corporation with its principal office at Schenectady, New York. The Company operates plants located throughout the United States. This proceeding concerns the employees of the Company working in its Philadelphia and Darby, Pennsylvania, plants, where the Company is engaged in the manufacture of switchgear and electrical control equipment. Annually, the Company uses raw materials at its Philadelphia and Darby plants of a value in excess of $10,000,000, of which approximately 60 percent is received at such plants from points outside the Commonwealth of Pennsylvania. The Company annually produces finished products at these 2 plants of a value in excess of $40,000,000, of which approximately 80 percent is shipped to points outside the Commonwealth of Pennsylvania.

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

II. THE ORGANIZATION INVOLVED

International Federation of Architects, Engineers, Chemists & Technicians (CIO)—Chapter 13, 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 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.

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.[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 DETERMINATION OF REPRESENTATIVES

The Union requests a unit embracing all draftsmen and engineers in the Company's Philadelphia and Darby plants, excluding non-tech-

[1] The Field Examiner reported that the Union submitted 218 application cards bearing names of persons appearing on the Comany's pay roll of March 3, 1944 There are approximately 455 emloyees in the unit alleged by the Union to be appropriate, of whom 134 are engineers and the remainder draftsmen Of the 218 application cards submitted by the Union, 29 bear names of engineers and 189 bear names of draftsmen.

nical, clerical, and supervisory employees. The Company is opposed to any type of unit which would include engineers but does not object to a unit confined solely to draftsmen. In the event that the Board finds that engineers may properly be represented for the purposes of collective bargaining, the Company requests that they be included in a separate unit.

The record shows that the duties of engineers and draftsmen are technical in nature, that both classifications work side by side, and that the work of one group complements that of the other. Both groups are salaried employees, enjoy the same privileges with respect to sick and benefit plans, and have a common vacation plan in which the hourly paid employees do not participate.

However, the record also shows that, in the main, engineers are technical school graduates, or draftsmen who have by home study or extension courses acquired the equivalent of a technical school education, while draftsmen, in general, have only the ordinary technical skills associated with their work. Moreover, the duties, responsibilities, and problems of engineers are substantially different from those of draftsmen, in that the engineers develop ideas which they express in rough sketches, while the draftsmen are required only to translate such sketches into formal drawings and prints. The record further shows that the salary of the average engineer is substantially higher than that of the average draftsman.

In view of these circumstances, we are of the opinion that the engineers form a well-defined, homogeneous group of employees entitled to representation and an opportunity to voice their desire in the choice of a bargaining agent in a voting group separate from that of the draftsmen. We are also of the opinion that if both the engineers and draftsmen, in separate voting groups, select the Union, they may together constitute an appropriate unit. Accordingly, we shall make no final determination of the appropriate unit at this time, but shall defer such determination pending the results of the elections hereinafter directed.

There remains for consideration a dispute between the parties with regard to section leaders of drafting. The Union seeks to include them, whereas the Company urges their exclusion on the ground that they are supervisory employees. The record shows that section leaders of drafting schedule work for draftsmen, instruct and rate such employees, and are responsible for the quality and quantity of their work. They have authority effectively to recommend promotion, disciplinary action, and dismissal of employees under their supervision. We consequently find that section leaders of drafting are supervisory employees, and as such, we shall exclude them.

We shall direct an election among the engineers in the Company's Philadelphia and Darby plants and a separate election among the

draftsmen in such plants, excluding non-technical and clerical employees, section leaders of drafting, and all other supervisory employees with authority to hire, promote, discipline, discharge, or otherwise effect changes in the status of employees, or effectively recommend such action, who were engaged during the pay-roll period immediately preceding the date of the Direction of Elections, subject to the limitations and additions set forth therein, to determine whether or not each group desires to be represented by the Union. Upon the results of such elections will depend, in part, our determination of the appropriate unit. If the employees of both groups select the Union as their bargaining representative, they shall constitute a single appropriate unit; if, however, the employees of but one group select the Union as their bargaining representative, they alone shall constitute the appropriate unit.

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 Artice 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 General Electric Company, Philadelphia, Pennsylvania, separate elections by secret ballot shall be conducted as soon 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 Fourth 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 (1) all engineers in the Company's Philadelphia and Darby plants; and (2) all draftsmen in the Company's Philadelphia and Darby plants, 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 non-technical and clerical employees, section leaders of drafting, 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, and excluding any employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the elections, to determine whether or not they desire to be represented by International Federation of Architects, Engineers, Chemists & Technicians (CIO)—Chapter 13, for the purposes of collective bargaining.