

In the Matter of GENERAL MOTORS CORPORATION, DELCO PRODUCTS DIVISION (PLANT D) and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, C. I. O.

*Case No. 9-R-1465.—Decided August 22, 1944*

*Mr. Harry S. Benjamin, Jr.*, of Detroit, Mich., for the Company.

*Mr. R. J. Quinlan*, of Dayton, Ohio, for the U. A. W.

*Mr. Herbert C. Kane*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, C. I. O., herein called the U. A. W., alleging that a question affecting commerce has arisen concerning the representation of employees of General Motors Corporation, Delco Products Division (Plant D), Cincinnati, 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 Cincinnati, Ohio, on July 15, 1944. The Company and the U. A. W. 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 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 is a Delaware corporation; maintains its principal business offices at New York City and Detroit, Michigan. The Delco Products Division of the Company maintains plants at Dayton, Ohio,

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Norwood, Ohio, and Cincinnati, Ohio. Only the plant at Cincinnati, Ohio, known as Plant D, is involved in this case. In excess of 50 percent of the value of goods and materials used in the processing and manufacturing operations at Plant D comes from sources outside the State of Ohio. In excess of 50 percent of the completed products manufactured at Plant D will be shipped to points outside the State of Ohio. Substantially all the products manufactured at Plant D are sold or delivered to the United States Government for use by the armed forces of the United Nations.

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

## II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, 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 U. A. W. as the exclusive bargaining representative of certain of its employees until the U. A. W. has been certified by the Board in an appropriate unit.

A statement of the Board agent, introduced into evidence at the hearing indicates that the U. A. W. represents a substantial number of employees in the unit hereinafter found 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

We find, in substantial accord with the agreement of the parties, that all production and maintenance employees and mechanical employees in engineering department shops in Plant D of the Company's Delco Production Division, but excluding employees of sales, accounting, personnel and industrial relations departments, superintendents and assistant superintendents, general foremen, foremen and

<sup>1</sup> The Field Examiner reported that the U. A. W. submitted 104 authorization cards, all of which bore apparently genuine original signatures; that 84 of these cards were dated between March and June 1944, and that 20 were undated. At the hearing the pay roll of the Company was presented to the Trial Examiner for the purposes of having the cards submitted checked against it. The Trial Examiner found that the names of 87 persons appearing on the cards were listed on the Company's pay roll of July 14, 1944, which contained the names of 234 employees in the appropriate unit.

assistant foremen, employees whose work is of a confidential nature, time-study men, plant-protection employees,<sup>2</sup> all clerical employees, chief engineers and shift operating engineers in power plants, designing (drawing board), production, estimating and planning engineers, draftsmen and detailers, physicists, chemists, metallurgists, artists, designer artists, and clay plaster modelers, timekeepers, technical school students, indentured apprentices, and those technical or professional employees who are receiving training, kitchen and cafeteria help, and all or any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action,<sup>3</sup> 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

The Company urges that no election should be directed at this time for the reasons that its plant is in the process of expansion. At the time of the hearing, the Company had 234 employees, or 45 percent of its contemplated personnel. The Company stated that a full 50 percent of its personnel complement would not be reached until September 15, 1944, at which time it concedes that an election would be proper. However, since by the Company's estimate the plant will have reached approximately 50 percent of its projected employment figure by the date of this election, and in view of evidence in the record indicating that employment of the full complement may never be reached and that the ultimate personnel quota itself may be less than anticipated, we find that an election may properly be directed at this time.

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 our Direction of Election herein, subject to the limitations and additions set forth therein.

#### 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, as amended, it is hereby

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<sup>2</sup> Maintenance patrolmen and fire patrolmen are not included in this category.

<sup>3</sup> The parties agreed, and we find, that leaders do not fall within the supervisory definition set forth above.

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with General Motors Corporation, Delco Products Division (Plant D), Cincinnati, Ohio, 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 Ninth 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 the election, to determine whether or not they desire to be represented by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, C. I. O., for the purposes of collective bargaining.

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