

In the Matter of SWIFT & COMPANY D/B/A JOHN P. SQUIRE COMPANY
and UNITED PACKINGHOUSE WORKERS OF AMERICA, LOCAL 49-A
(C. I. O.)

Case No. 1-R-1936.—Decided August 30, 1944

Mr. Putnam B. Smith, of Boston, Mass., for the Company.

Mr. John Mitchell, of Boston, Mass., for the Union.

Mr. Paul Bisgyer, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon the petition duly filed by United Packinghouse Workers of America, Local 49-A. (C. I. O.),¹ herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Swift & Company doing business as John P. Squire Company,² Cambridge, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Louis Cokin, Trial Examiner. Said hearing was held at Boston, Massachusetts, on July 26, 1944. The Company and the Union appeared and participated.³ 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

Swift & Company is an Illinois corporation with its principal office at Chicago, Illinois. It is engaged in the business of meat packing

¹ Name as amended at the hearing.

² Name as amended at the hearing.

³ Although duly served with Notice of Hearing, the American Federation of Labor did not appear.

at one of its plants at Cambridge, Massachusetts, which it operates under the name of John P. Squire Company, and with which we are concerned in this proceeding. During 1943, it purchased raw materials valued in excess of \$27,000,000, of which approximately 80 percent was shipped from outside the State of Massachusetts. During the same period, the Company sold finished products exceeding \$30,000,000 in value, of which about 60 percent was shipped to points outside the State of Massachusetts.

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

II. THE ORGANIZATION INVOLVED

United Packinghouse Workers of America, Local 49-A, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The parties stipulated that the Company has refused the Union's request to be recognized as the exclusive bargaining representative of the employees involved herein until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.⁴

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 Union seeks a unit of all plant department clerks, including the yard clerk and shipping office receiving clerk, but excluding the plant receiving clerk and all other employees of the Company. As its sole opposition to the unit sought, the Company argues that the plant department clerks are so much an integral part of supervision and management that it would not effectuate the purposes of the Act to include them in a bargaining unit. It stresses the fact that their duties give them access to secret formulæ and confidential data which admittedly do not relate to labor relations. The work of all the plant department clerks is practically the same. They are assigned to dif-

⁴The Field Examiner reported that the Union submitted 10 membership cards bearing the names of persons listed on the Company's pay roll for the week ending May 28, 1944, which contained the names of 34 employees in the appropriate unit.

ferent departments located in the various buildings constituting the plant and come under the supervision of the foreman of the department to which they are assigned. They keep records of supplies, supply inventories, and orders, write requisitions for supplies and raw materials, and maintain time books. A small number of them might, in isolated instances, take the place of their departmental foreman or assistant foreman in the latter's absence. We fail to see any merit in the Company's contentions. The record discloses that the work of the plant department clerks is essentially clerical. Although they possess important and confidential information, the fact that the information does not directly pertain to labor relations, warrants their inclusion in the unit.⁵

We find that all plant department clerks of Swift & Company at its John P. Squire Company plant, Cambridge, Massachusetts, including the yard clerk and shipping office receiving clerk, but excluding the plant receiving clerk, all other employees of the Company, 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, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Swift & Company doing business as John P. Squire Company, Cambridge, Massachusetts, 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

⁵ See *Matter of Swift & Company*, 56 N L R B 147

First 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 United Packinghouse Workers of America, Local 49-A (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.