

In the Matter of CHRYSLER CORPORATION, CHRYSLER MOTOR DIVISION
and INT'L UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA, LOCAL 889, INDUSTRIAL OFFICE
WORKERS (UAW-CIO)

Case No. 7-R-1776.—Decided September 14, 1944

Rathbone, Perry, Kelley and Drye, by *Mr. T. R. Iserman*, of New
York City, for the Company.

Maurice Sugar and Jack N. Tucker, by *Mr. Jack N. Tucker*, of De-
troit, Mich., for the Union.

Mrs. Augusta Spaulding, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Int'l Union, United Automobile, Air-
craft, and Agricultural Implement Workers of America, Local 889,
Industrial Office Workers (UAW-CIO), herein called the Union,
alleging that a question affecting commerce had arisen concerning the
representation of employees of Chrysler Corporation, Detroit, Michi-
gan, 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 July 13 and 14, 1944. The Company and the Union appeared,
participated, and were afforded full opportunity to be heard, to ex-
amine 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. The Company's
motion for oral argument 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, until February 1942, was primarily engaged in manufacturing and selling automobiles, parts, and accessories. The Company is now engaged, almost exclusively, in manufacturing munitions for the United States Government. The Company owns and operates plants in Michigan, Ohio, Indiana, Illinois, and California. The value of raw materials used by the Company exceeds \$240,000,000 per annum. The value of its finished products exceeds \$600,000,000 per annum. Approximately 45 percent of materials used at each plant is received from points outside the State in which the plant is located. Substantially all finished products are delivered to the Government at the plant where they are made. The Jefferson, Kercheval, and Bofors Gun Plants, including the Curtis Wing Division of the Jefferson Plant and the Solventol Building of the Kercheval Plant, at Detroit, Michigan, are the only plants involved in this proceeding.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Int'l Union, United Automobile, Aircraft, and Agricultural Implement Workers of America, Local 889, Industrial Office Workers, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On May 19, 1944, the Union asked for recognition as bargaining representative of the Company's clerical employees. On May 24, 1944, the Company refused the request.

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.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.

¹ The Union submitted 317 cards, 267 of which bore apparently genuine original signatures of employees listed on the July 3, 1944, pay roll. Of the cards submitted, 107 were undated and the remainder bore dates between August 1943 and May 1944. There are approximately 790 employees in the appropriate unit.

IV. THE APPROPRIATE UNIT

The Jefferson Plant, including the Curtis Wing Division, the Kercheval Plant, including the Solventol Building, and the Bofors Gun Plant, collectively known as the Chrysler Motor Division, or the Chrysler Division, of the Company's operations, comprise a single operating division group under a general plant manager, and they are the only plants of the Company involved in this proceeding. The Union is the recognized bargaining representative of employees at these plants in three separate bargaining units, including production and maintenance employees,² plant-protection employees,³ and technical employees in three specified departments,⁴ respectively. The instant petition covers office and clerical employees, specifically or impliedly excluded from these established bargaining units, whom the Union would group in a general office clerical unit. The Company contends that if these office and clerical employees are properly to be covered in any bargaining unit, they should be included in separate departmental groups, rather than in a single division group, and that certain employees, more particularly discussed below, should be excluded from any unit or units found appropriate for bargaining purposes.

Employees covered in the office clerical unit sought by the Union include typists, stenographers, office machine operators, file clerks, and other variously classified and technically trained clerks and office specialists throughout the office, production, and maintenance departments of the Company's plants not covered in established units, including pay-roll clerks, accountants or cost clerks, company work

² On July 31, 1939, the Board found that production and maintenance employees at the Company's Jefferson and Kercheval Plants constituted an appropriate unit and directed an election among these employees and separate elections among employees in like categories at each of 11 other plants of the Company. *Matter of Chrysler Corporation*, 13 N. L. R. B. 1303. On November 16, 1939, the Board included production and maintenance employees of the Company, including employees at the Jefferson and Kercheval Plants, in one 12-plant multiple unit. *Matter of Chrysler Corporation*, 17 N. L. R. B. 737. Excluded from this unit are supervisory employees, timekeepers, plant-protection employees, office employees, confidential salaried employees, and salaried engineers.

³ *Matter of Chrysler Corporation*, 46 N. L. R. B. 411. The unit is limited to plant-protection employees at the Jefferson and Kercheval Plants, and specifically excludes supervisory employees and confidential clerks.

⁴ *Matter of Chrysler Corporation*, 55 N. L. R. B. 1039; 57 N. L. R. B. 759. Employees included in this unit are all employees at the Jefferson and Kercheval Plants in the master mechanics, plant engineering, and engineering research divisions in the classifications of designer, detailer, tool, die, and gauge engineer, checker, lay-out man, tool-trouble man, tool follow-up man, draftsman, property officer, plant lay-out engineer, tool record clerk, engineering record clerk, tool estimator, and learner. On July 28, 1944, the Board denied a request to expand the unit to include ordinary clerical employees in these divisions. The Board's decision had not been issued at the time of the hearing upon the instant petition. The Union and the Company agreed at the hearing in the instant proceeding that clerical employees in these divisions, if not covered by the Board's certification in the prior proceeding, are to be included in the office clerical unit proposed by the Union in the instant case.

order clerks, invoice clerks, bookkeepers, billing clerks, telephone operators, mail and stationery clerks, and timekeepers in the accounting division; follow-up men, stock chasers, authorization men, schedule men, specification men, and other office specialists in the planning division; clerical employees in the time-study department and in the office service department; follow-up men and clerks in the spare-parts department; routing and other clerks in the traffic department; clerks in the rationing department; salesmen, the cashier, and timekeepers in the service garage; typists, expeditors, schedule men, compilers of operating manuals and parts books, and special staff clerks in the sales division of the marine and industrial engine division, including the industrial engine division, the service department, the sales division, and the marine engine department of the sales division. While the Company contends that employees in these several departments, if included in any bargaining unit, should be divided into separate departmental units, it does not propose any specific units of these employees which it affirmatively contends would be appropriate for bargaining purposes.⁵ The office plants unit proposed by the Union admittedly includes file clerks, typists, stenographers, other skilled and semi-skilled office clerical employees doing special and general routine clerical work, and office specialists. We find that they may properly be included in a single clerical bargaining unit analogous to the plant-wide unit previously found appropriate for production and maintenance employees at these plants.⁶

The Company and the Union agree that employees in the following categories should be excluded from any unit or units found by the Board to be appropriate as a result of this proceeding: employees of the Company's general office at Highland Park who are temporarily housed at the Jefferson Plant; employees at the plants included in any bargaining unit previously found by the Board to be appropriate; employees who spend a major portion of their time outside continental United States; employees in the marine and industrial sections of the service department who spend most of their time outside the plants in customers' service; all employees in the labor relations, employment,

⁵ Employees in the accounting department are subject not to the over-all control of the general manager of the Jefferson and Kercheval Plants, but to the factory auditor of those plants who reports directly to the office of the comptroller at the Company's general offices at Highland Park. The Company does not contend that a multiple-plant unit is desirable for employees in the accounting divisions at its several Detroit plants, nor does it even concede that the employees in the several departments of the accounting division at the Jefferson and Kercheval Plants, which constitute an administrative department, are sufficiently homogeneous to constitute a single bargaining unit apart from office employees in other departments. Under these circumstances, we find that the Company's objections to the generally inclusive office clerical unit proposed by the Union have no merit. *Matter of Chrysler Corporation*, 55 N L R B 1039

⁶ *Matter of Chrysler Corporation*, 13 N L R B 1303, cited in footnote 2, *supra*; *Matter of Oliver Farm Equipment Company*, 53 N L R B 1078

mutual aid, medical,⁷ and safety departments; time-study men as distinguished from clerical employees in the time-study department; foremen's clerks; all secretaries to heads of departments, divisions or groups; the head of the planning division; the field engineer in the marine and industrial engine departments; and all supervisory employees within the Board's usual definition of that term. The Company would also expressly exclude from the unit pay-roll clerks, cost clerks, timekeepers, the factory cashier, telephone operators, employees in the time-study department, employees in the office service department, spare-parts men, and staff employees in the sales departments. The Union opposes these exclusions.

Pay-roll clerks: In the pay-roll department of the accounting division there are about 15 pay-roll clerks, 6 general and junior clerks who are learning pay-roll work, 6 addressograph operators, 37 comptometer operators, and 1 file clerk. The pay-roll clerks are directly responsible for showing that the amounts indicated on the employees' pay checks are correct and they arrange the checks for distribution.⁸ To insure correctness, they check the time computed by the comptometer operators with the time shown on the record cards from the time department and the rate of wages authorized by management and they check the amounts of all pay-roll deductions, such as, deductions for social security, loans, war savings bonds, etc. They see that checks are issued only to persons whose names appear on the pay roll. They handle errors in case of overages and shortages in the checks. In response to appropriate information which they receive, they check the addition and removal of names of employees on the pay roll.

We find that pay-roll clerks are especially skilled clerical employees, that they are not confidential employees within our usual meaning of that term⁹ and that they may be properly included in the general office unit proposed by the Union.¹⁰ We shall include them in the bargaining unit.

Cost clerks: Cost clerks are accountants in the cost department of the accounting division who compute standard costs of products made at the plants and variances from standard costs, basing their cal-

⁷ The medical department was not included in the list of departments which the parties agreed at the hearing should be excluded from coverage in this proceeding. Subsequent to the hearing, on July 21, 1944, the Company, with the consent of the Union, advised the Board that the medical department was included in the exclusions. The agreement of the parties relative to the medical department is hereby made, and is, part of the record in this proceeding.

⁸ The pay roll under their charge is the pay roll of hourly paid employees at the plants. The pay roll of salaried employees is the work of employees in the Company's general office at the Highland Park Plant

⁹ *Matter of The Hoover Company*, 55 N. L. R. B. 1321; *Matter of West Penn Power Company*, 55 N. L. R. B. 1356; *Matter of Utah Copper Company*, 57 N. L. R. B. 322

¹⁰ *Matter of General Motors Corporation*, 53 N. L. R. B. 1096, 1098; *Matter of The Coolerator Company*, 53 N. L. R. B. 461.

culations largely upon the cost of materials and of labor. The Company relies on the records made by this department in carrying on its competitive business. We have, in other representation proceedings, determined that cost clerks, to whom the employer entrusts the processing of records which it considers confidential for business reasons, are not to be denied bargaining rights when they are themselves not executives, nor concerned with confidential-labor matters.¹¹ We shall, therefore, include cost clerks in the bargaining unit.

Timekeepers: Timekeepers are hourly paid employees and in this respect they differ from the great majority of office employees who constitute the appropriate unit.¹² The duties of the timekeepers at these plants are generally similar to those of employees in like categories at the Company's Newcastle and Plymouth Plants. They note the time and manner by which production and maintenance employees ring in and out of the plant and they spot check to determine that these employees are working in the classification and at the wage rate shown by the respective time records. They compute the hours spent by each employee at a specific rate and they deduct time for lateness according to the Company's rules. They distribute pay checks. In prior representation proceedings involving timekeepers at the Company's Newcastle¹³ and Plymouth¹⁴ Plants, we found that timekeepers were employees to be included in units for bargaining purposes. We see no reason to exclude them from the general unit for office and clerical employees, and we shall, therefore, include them in the appropriate unit.¹⁵

The factory cashier: The factory cashier, in the bookkeeping department of the accounting division, performs his work under the direction of the factory auditor, the head of the division. In addi-

¹¹ *Matter of The Coolerator Company, supra.*

¹² There are other hourly paid clerical employees in the bargaining unit, notably shop workers in the planning division. The fact that some employees are hourly paid and other employees are paid on a salary basis does not alone constitute a sufficient reason to require their severance in separate bargaining units. *Matter of Chrysler Corporation*, 56 N. L. R. B. 1302; *Matter of Coolerator Company, supra.*

¹³ *Matter of Chrysler Corporation*, 55 N. L. R. B. 1215

¹⁴ *Matter of Chrysler Corporation*, 56 N. L. R. B. 1302. The entire record in Case No. 7-R-1713, the prior representation proceeding involving timekeepers at the Company's Plymouth Plant, was admitted into evidence in the instant proceeding. In connection with our consideration of timekeepers in the instant case, the Company seeks a review of the Board's finding respecting the appropriate unit for timekeepers at the Plymouth Plant, which it contends is contrary to the evidence introduced in that proceeding. We have reviewed the record in that case and we find no reason to make any changes in our findings therein. The record in the instant case indicates that the word "keyman" and the words "group leader" are synonymous terms. In the instant case the Union and the Company agree that group leaders at the Jefferson and Kercheval Plants have supervisory authority under the Board's usual definition of that term and the record indicates that group leaders may have under them as many as 15 employees. Timekeepers described as "keymen" at the Plymouth Plant work alone or with an occasional assistant and with one or two assistants. We are of the opinion that the record concerning timekeepers at the Plymouth Plant does not disclose that keymen exercise in any appreciable degree the functions that the Board calls supervisory.

¹⁵ *Matter of Bohn Aluminum & Brass Corporation*, 47 N. L. R. B. 1229.

tion to usual functions, he handles the petty cash fund for the Chrysler Division and cash receipts of the service garage and restaurants in the plants, does the banking for the factory auditor, sells stamps and war bonds, and handles garnishments levied by creditors of employees against their salaries and wages. There is nothing in the record to indicate that the factory cashier is a supervisory employee or an employee charged with determining the Company's management policies. The factory cashier is clearly not to be excluded from a bargaining unit simply because he has the custody of company money.¹⁶ We shall include him in the bargaining unit.

Telephone operators: Telephone operators perform the duties usual to employees in this employment category. The Company alleges that these employees have obvious opportunities to obtain confidential information on labor relations and other matters by overhearing telephone conversations, and contends that they should for this reason be excluded from the bargaining unit as "confidential" employees. We do not agree. The record does not indicate to what extent the Company uses telephonic communication for its important labor negotiations. Assumably, telephone operators do not overhear conversations except by violating instructions. We are of the opinion that the fact that telephone operators may, by violating instructions, occasionally obtain information on labor relations does not constitute a substantial reason to deny them the exercise of the rights of collective bargaining.¹⁷ We shall include them in the bargaining unit.

Time-study department: The time-study department includes the supervisor of time-study, 16 time-study men and estimators, 4 clerks, and 2 typists. The time-study men determine job classifications and make efficiency studies upon which rates of production and maintenance employees are based and their wages are settled. Time-study men also prepare special memoranda for the Company's use in discussions with the Union on grievances relating to the job classifications of employees. Such grievances are not infrequent, although the record does not disclose how large a proportion of the work of time-study men is spent specifically on studies for grievance conferences. While these studies do not actually decide a grievance issue in advance of a conference between the Company and the Union, they substantially bear upon the Company's position at later conferences. Clerks in the time-study department transcribe the hand-written reports prepared by the time-study men and they file all such reports. The Company and the Union agree that the time-study men, as distinguished from the purely clerical employees in the department, should be excluded from the bargaining unit. The Union would include the clerical employees.

¹⁶ *Matter of Armour and Company*, 54 N. L. R. B. 1462.

¹⁷ *Matter of Armour and Company*, *supra*; *Matter of The Murray Corporation of America*, 45 N. L. R. B. 854, 857.

The Company urges that those clerical employees not only have free and immediate access to all files containing the Company's labor studies, but have appreciable advance information concerning their employer's position on labor issues. Since it appears that clerical employees in the time-study department have substantial opportunity to learn in advance the Company's position on important labor issues, we shall, on the basis of the record herein, exclude them with other employees in the time-study department from the appropriate unit.

The office service department: In general, executives and department heads have one secretary each. Employees in the office service department, who include a budget analyst, a number of transcribing operators, typists, file clerks, teletype operators, and a ditto machine operator,¹⁸ serve as an executive pool, taking over all clerical work which individual secretaries cannot perform and furnishing substitutes for them during vacations and other absences. Executives and department heads dictate a considerable amount of their work to dictaphone machines to be transcribed by typists in the office service department. Clerks in the department keep central files of records and correspondence of executives. The teletype operator receives and sends all telegrams, and the ditto machine operator prepares copies of instructions and directions for distribution to departmental heads and supervisors. Employees in this department cover a wide range of subject matter in their clerical work, some of which admittedly may concern the consideration of labor problems. The Company contends that employees in the office service department are confidential employees and especially urges that the teletype operator should be excluded on the ground that communications between the Company and bargaining representatives of its employees constitute some part of the telegraphic communications that pass through the hands of this operator. Granted that, in some small measure, matters dealing with labor relations may pass through the hands of any of these employees before they are made public by the Company, we are of the opinion that they are not of such magnitude that these employees should be denied rights guaranteed under the Act. The record does not specifically disclose that the teletype operator handles confidential labor relations material in any appreciable degree to require her exclusion from the bargaining unit as a confidential employee. Other employees in this department stand in a more remote relation to labor matters. We shall, therefore, include employees in the office service department in the bargaining unit.

Staff men: The Company further contends that spare-parts men in the spare-parts department and the so-called staff men in the several departments of the Chrysler Sales Division, such as spare-parts men, expeditors, scheduling clerks, and employees who compile op-

¹⁸ The department also includes a receptionist who is the official "greeter" for men in the armed services who may visit the plants.

erating manuals in the marine and industrial division, office specialists in the industrial engine division who work on priorities and schedules for marine and industrial engines, a claims correspondent, and price clerk in the sales division, and liaison men in the marine engine department of the Sales division, should be excluded from the bargaining unit on the ground that these employees have special office training and that they do not fall into any regular office category. While the record discloses that employees in these several departments have specialized training and are competent to work without close supervision, the record does not indicate that they initiate company policies and practices or work independent of explicit direction. While it is true that these employees may possess greater special skills than the ordinary clerical employees in the bargaining unit, we see no reason to prevent these employees from being grouped in the same clerical unit with other office and clerical employees.¹⁹

We find that all office and clerical employees of the Company in the offices and plants of the Jefferson, Kercheval, and Bofors Gun Plants at Detroit, Michigan, including the Curtis Wing Division of the Jefferson Plant and the Solventol Building of the Kercheval Plant, including pay-roll clerks, cost clerks, timekeepers, the factory cashier, telephone operators, employees in the office service department, spare-parts men, and staff employees in the sales department, but excluding employees of the Company's general office at Highland Park who are temporarily housed at the Jefferson Plant; employees included in any bargaining unit previously found to be appropriate by the Board; employees who spend a major portion of their time outside continental United States; employees in the marine and industrial sections of the service department who spend most of their time outside the plants in customer's service; all employees in the labor relations, employment, mutual-aid, medical, safety, and time-study departments; foremen's clerks; all secretaries to the heads of departments, divisions, or groups; the field engineer in the marine and industrial engine departments; the head of the planning division; 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 em-

¹⁹ *Matter of Oliver Farm Equipment Company, supra.*

ployees in the unit found appropriate in Section IV, above, 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 Chrysler Corporation, 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 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 Int'l Union, United Automobile, Aircraft, and Agricultural Implement Workers of America, Local 889, Industrial Office Workers (UAW-CIO), for the purposes of collective bargaining.

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