

In the Matter of U. S. AUTOMATIC CORPORATION and OFFICE EMPLOYEES
UNION No. 23714 (A. F. L.)¹

Case No. 8-R-1603.—Decided September 29, 1944

Mr. Richard A. Stith, of Elyria, Ohio, and *Messrs. W. G. Nord* and *J. F. Shreiner*, of Amherst, Ohio, for the Company.

Messrs. Joseph A. Padway and *James A. Glenn*, of Washington, D. C., *Mr. Alva Kemp*, of Elyria, Ohio, and *Mrs. Pearl A. Hanna*, of Cleveland, Ohio, for the Union.

Mr. Julius Kirle, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Office Employees Union No. 23714 (A. F. L.), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of U. S. Automatic Corporation, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Frank L. Danello, Trial Examiner. Said hearing was held at Cleveland, Ohio, on August 11, 1944, and Amherst, Ohio, on August 22, 1944. 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. At the hearing the Company moved to dismiss the petition on the ground that the Union seeks a unit of confidential employees who receive information affecting the Company's labor relations. Ruling on the motion was reserved for the Board. For reasons stated in Section IV, *infra*, the motion is hereby denied. 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:

¹ Without objection, the Union's motion to correct its name, so as to read as set forth above, was granted.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

U. S. Automatic Corporation, an Ohio corporation having its principal office and plant at Amherst, Ohio, is engaged in the manufacture of various screw machine products for the direct use of the armed forces of the United States. During the year 1943, the Company purchased raw materials valued in excess of \$500,000, more than 50 percent of which was shipped to it from points outside the State of Ohio. During the same period, the Company's gross sales of finished products exceeded \$1,000,000, more than 50 percent of which was shipped to points outside that State.

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

II. THE ORGANIZATION INVOLVED

Office Employees Union No. 23714, affiliated with the American Federation of Labor, 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 its office employees 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.²

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 office employees of the Company,³ excluding supervisory employees. It would, accordingly, include the senior secretaries, junior secretaries, accounting clerks, general clerks, pay-roll clerks, and telephone operator who comprise the Company's office force. The Company contends that the unit is inappropriate be-

² The Field Examiner reported that the Union submitted 17 cards; that the names on the cards were listed on a recent pay roll of the Company, which contained the names of 21 employees in the appropriate unit; and that the cards were all dated June 1944.

³ The Company has upstairs and downstairs offices; the pay-roll, estimating, personnel, purchasing, and cost accounting departments are located in the downstairs office, whereas the general office is located upstairs.

cause all employees sought to be included by the Union are confidential employees who receive information affecting the Company's labor relations. Both parties agree that the office manager, production clerks, and stock chaser should be excluded.

There are three senior secretaries, including the secretary to the Director of Industrial Relations. All matters pertaining to labor relations come to the attention of the secretary to the Director of Industrial Relations. The work of the other two senior secretaries deals primarily with purchasing and with public relations. There are two junior secretaries who perform general clerical and stenographic work. There are two accounting clerks, one of whom prepares the journal and ledger bookkeeping entries on business transactions and the pay roll, and the other compiles and prepares piece-work earnings, checks errors in computation of wages, keeps various records on industrial insurance covering employees and performs other related work. There are five general clerks who prepare and complete records and statements pertaining to pay-roll costs, orders, and other related material. There are five pay-roll clerks who compute employee earnings from records and cards. They also record labor costs, pieces produced, set-up time, machine-run time, and scrap reports. There is one telephone operator who takes care of incoming and outgoing calls, and has the responsibility for taking telegrams that are sent to the Company and seeing that the persons for whom they are intended receive them.

We are of the opinion and find that the information which the aforementioned employees, with the exception of the secretary to the Director of Industrial Relations, may possess, in no instance relates directly to the problem of labor relations. The possession of important information is of itself insufficient to justify exclusion from the right to collective bargaining. Accordingly, we shall exclude the secretary to the Director of Industrial Relations, but include the two remaining senior secretaries, junior secretaries, accounting clerks, general clerks, pay-roll clerks, and telephone operator.⁴

We find that all office employees of the Company, including senior secretaries (excepting the secretary to the Director of Industrial Relations), junior secretaries, accounting clerks, general clerks, pay-roll clerks and telephone operator, but excluding the secretary to the Director of Industrial Relations, production clerks, the stock chaser, the office manager, 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, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

⁴ See *Matter of Creamery Package Mfg Co*, 34 N. L. R. B. 108, 111.

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. The parties agree, and we find, that Marcella Finnegan, who works part time at irregular hours reconciling checks, and Helen Pierce, a school teacher who worked during the vacation period and will return to school in September, are not eligible to vote.

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 U. S. Automatic Corporation, Amherst, 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 Eighth 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 Office Employees Union No. 23714 (A. F. L.), for the purposes of collective bargaining.