

In the Matter of CHRYSLER CORPORATION *and* AMALGAMATED PLANT
PROTECTION LOCAL 114, UAW-CIO

Case No. 7-R-1786.—Decided October 3, 1944

Rathbone, Perry, Kelley & Drye, by *Mr. Donald L. Hastings*, of New York City, for the Company.

Sugar and Smokler, by *Mr. N. L. Smokler*, of Detroit, Mich., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition and amended petition duly filed by Amalgamated Plant Protection Local 114, UAW-CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Chrysler Corporation, Detroit, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Cecil Pearl, Trial Examiner. Said hearing was held at Detroit, Michigan, on August 11, 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. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded 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

Chrysler Corporation is a Delaware corporation with its principal place of business at Detroit, Michigan. Until February 1942 the Company was engaged in the manufacture and sale of automobiles, parts, and accessories. It is now engaged almost exclusively in the manufac-

ture of ordnance for the United States Government. The Company uses raw materials valued in excess of \$240,000,000 annually, approximately 45 percent of which is shipped to the Company's plants from points outside the States in which the plants might be located. The Company produces products valued in excess of \$600,000,000 annually, practically all of which is delivered to the United States Government. We are here concerned with the following plants of the Company: Chrysler Highland Park, Dodge Main, Dodge Forge, Dodge Truck, Dodge Lynch Road (Chrysler Lynch Road), Chrysler Amplex, Chrysler Tank Arsenal, Chrysler Jefferson and Kercheval, John-R. Storage, De Soto Wyoming, De Soto Warren, McKinstry Storage, Plymouth, and Marysville.

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

II. THE ORGANIZATION INVOLVED

Amalgamated Plant Protection Local 114, UAW-CIO, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

During April 1944, the Union requested the Company to recognize it as exclusive collective bargaining representative of the fire marshals employed at the above-enumerated plants of the Company. The Company refused this request.

A statement of a Field Examiner of the Board, introduced into 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 Union urges that all fire marshals of the Company at its Chrysler Highland Park, Dodge Main, Dodge Forge, Dodge Truck, Dodge Lynch Road (Chrysler Lynch Road), Chrysler Amplex, Chrysler Tank Arsenal, Chrysler Jefferson and Kercheval, John-R. Storage, De Soto Wyoming, De Soto Warren, McKinstry Storage,

¹ The Field Examiner reported that the Union presented 26 membership application or authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of June 14, 1944. There are approximately 42 employees in the appropriate unit

Plymouth, and Marysville plants, excluding fire chiefs, assistant fire chiefs, and supervisors, constitute a single appropriate bargaining unit. The Company contends that the fire marshals are part of management and are not employees within the meaning of the Act, and further, in the event the Board finds that they are employees, the fire marshals at each of the plants involved herein should be voted separately.

The fire marshals are charged with the duties of preventing fires and the controlling and extinguishing of fires which may break out. They inspect, maintain, repair, and charge various kinds of fire equipment. They make inspection patrols throughout the plants for the purpose of assuring adherence to safety rules and see that employees refrain from smoking in restricted areas. They also instruct groups of employees in fire protection methods and they have access to all parts of the Company's offices and plants. The fire marshals employed by the Company are carried on the plant-protection department pay roll and are an integral part of that department. The Board has held in the past that the plant protection patrolmen employed at the plant of the Company involved herein are employees within the meaning of the Act.² Despite the peculiar relationships which plant-protection employees bear to management, they are not to be denied any of the rights and privileges granted under Section 7 of the Act,³ since we have often held, as we do now, that plant-protection employees exercise monitorial and not supervisory functions.

We turn now to the contention of the Company that the fire marshals at each of the plants should be voted separately. The record discloses that there are no fire marshals employed at the Chrysler Amplex, McKinstry Storage, and Marysville plants. Accordingly, we shall not consider said plants in the instant proceeding. Of the plants involved, 3 have only 1 fire marshal each, 1 has 2 fire marshals, 3 have 3 fire marshals, and the remainder have from 4 to 12. The plant protection patrolmen employed at the plants of the Company involved herein are presently covered by a single collective bargaining contract between the Union and the Company. In view of the small number of fire marshals employed at each of the plants involved herein and the past collective bargaining history of the remainder of the plant-protection employees, we conclude that a single unit of fire marshals at the above-enumerated plants of the Company, excluding the Chrysler Amplex, McKinstry Storage, and Marysville plants, constitute a single appropriate bargaining unit.

² *Matter of Chrysler Corporation, Highland Park Plant*, 44 N L R B 881

³ See footnote 2, *supra*.

We find that all fire marshals of the Company at its Chrysler Highland Park, Dodge Main, Dodge Forge, Dodge Truck, Dodge Lynch Road (Chrysler Lynch Road), Chrysler Tank Arsenal, Chrysler Jefferson and Kercheval, John-R. Storage, De Soto Wyoming, De Soto Warren, and Plymouth plants, excluding fire chiefs, assistant fire chiefs, and 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, 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 means of 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 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 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 Amalgamated Plant Protection Local 114, UAW-CIO, for the purposes of collective bargaining.