

In the Matter of GENERAL MOTORS CORPORATION, CHEVROLET TRANSMISSION, SAGINAW DIVISION and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW-CIO

Case No. 7-R-1641.—Decided October 10, 1944

Henry M. Hogan, by Messrs. Harry S. Benjamin, Jr., and Robert Helms, of Detroit, Mich., for the Company.

Messrs. Maurice Sugar and N. L. Smokler, of Detroit, Mich., for the Union.

Mrs. Catherine W. Goldman, 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 and Agricultural Implement Workers of America, UAW-CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of General Motors Corporation, Chevrolet Transmission, Saginaw Division, Saginaw, Michigan, 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 Saginaw, Michigan, on August 2, 7, and 14, 1944. The Company and the Union 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 Company moved that the petition be dismissed;¹ and the motion was referred to the Board. For reasons hereinafter stated, 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:

¹The Company bases its motion to dismiss on the grounds that (1) the Union has not made a substantial showing of representation, and (2) the unit requested is inappropriate.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

General Motors Corporation, a Delaware corporation with its principal offices at New York City, and Detroit, Michigan, functions through several unincorporated divisions, one of which is the Chevrolet Motor Division. The Chevrolet Motor Division, which operates plants throughout the United States, maintains at Saginaw, Michigan, a plant known as Chevrolet Transmission, Saginaw Plant, the only operation involved in this proceeding. In excess of 50 percent in value of the materials used at the Saginaw Plant comes from outside the State of Michigan. In excess of 50 percent in value of the finished products of the Saginaw Plant reaches points outside the State of Michigan. Almost the entire production of the plant is devoted to the war effort.

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 and Agricultural Implement Workers of America, UAW-CIO, 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 recognize the Union as the exclusive bargaining representative of its clerical employees.

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 requests a unit of all Saginaw office and clerical employees whether located in offices or in plant buildings. The Company objects to the proposed unit, contending that timekeepers should constitute a separate unit apart from the remaining office and clerical employees and that certain clerical employees should be excluded from

² The Field Examiner reported that the Union submitted 65 designations dated April 1944. There are 137 employees in the unit requested.

the unit because of their confidential relationship to management. The parties are agreed that the categories of employees listed in Appendix C should be excluded from the unit.

Timekeepers. The timekeepers whom the Company would separate from the proposed unit perform the duties customarily assigned to this classification of employees. Their work is of a routine clerical nature, consisting of a daily and weekly totaling of the hours on the time cards of production and maintenance employees. Timekeepers carry out their tasks partly in the plant manufacturing buildings and partly in offices. They are hourly paid and are under the supervision of a chief timekeeper directly responsible to the Accounting Department. The Board has previously included timekeepers in a unit of office and clerical employees.³ The instant case affords no basis for departing from this practice. We shall include timekeepers in the unit. However, we shall exclude the chief timekeeper who it appears possesses a supervisory status within our customary definition.

Employees alleged to occupy a supervisory position

The Company and the Union are agreed that employees coming within the Board's customary definition of supervisory employees should be excluded from the unit. They are in disagreement, however, concerning the application of this definition to group leaders and department heads. The Company contends that these categories are supervisory, while the Union contends that they are not.

The 3 lower employee classifications in the Company's supervisory hierarchy are, in descending order, supervisor, department head, and group leader. A department head is in charge of an entire department and has from 10 to 15 employees under his direction. A group leader is in charge of a group within a department and has from 1 to 7 employees under his direction. Department heads and group leaders are responsible for the orderly conduct and satisfactory performance of the employees under their supervision. They make complaints concerning the conduct and work of employees, discuss changes in employee status with their superiors, and make effective recommendations concerning such changes. On occasion they make their recommendations directly to higher supervisory employees rather than to their supervisors, and their recommendations are given weight. We are of the opinion that department heads and group leaders fall within our customary definition of supervisory employees; accordingly, we shall exclude them from the unit.

³ See, for example, *Matter of General Motors Corporation, Chevrolet Motor Division*, 55 N. L. R. B. 1096.

Employees alleged to occupy a confidential position

The Company would exclude the following categories of employees from the unit because of their alleged confidential relationship to management. The Union would include them.

Assistant paymaster. The assistant paymaster performs clerical work in regard to pay matters. He balances checks with the pay-roll sheet, sorts checks, attaches bonds, and sees that the checks are ready for pay day. He has access to records showing the earnings and amount of bond deductions of employees, the type of insurance carried by employees, and the existence of garnishment proceedings involving employees. None of these records, however, pertains to labor relations. It appears that the assistant paymaster performs only routine clerical functions which do not warrant his exclusion from the unit as a confidential employee. We shall include the assistant paymaster.

Defense coordination department employees. The defense coordination department handles estimates in connection with war contracts. The employees in the department build up cost estimates regarding materials, labor, and administration. Although the information obtained by the employees is of a character which cannot be divulged by the Company without permission from the Army or the Navy, it does not concern the labor relations of the Company. We are of the opinion, therefore, that the work of the employees in the defense coordination department is not of such a confidential nature as we customarily find warrants the exclusion of employees from a bargaining unit. Accordingly, we shall include these employees.

Telephone operators. The Company would exclude telephone operators because of their position with respect to confidential matters coming in and going out of the organization. We see nothing in the duties of telephone operators of a confidential matter within the Board's usage of the term. We shall include telephone operators.⁴

Clerk in the office of the production engineer (Aviation Engine Parts Manufacturing Building). The Company employs one junior clerk who acts in a secretarial capacity to the production engineer. The information she handles is highly technical and confidential so far as the Company's operations are concerned, but it does not involve labor relations. No activities concerning labor relations are carried on in the office of the production engineer. Consequently, we shall include the junior clerk in the office of the production engineer.

Clerk in the production inspection office (Aviation Engine Parts Manufacturing Plant). The Company urges that this employee be excluded because she performs duties concerning labor relations. It appears that the employee occupying this position has not handled

⁴ See *Matter of Babcock & Wilcox Co.*, 52 N. L. R. B. 900.

any reports or performed any typing on grievances; nor has she overheard any discussions concerning labor relations in the production inspection office. Consequently, we are of the opinion that the clerk in this office should be included in the unit; we shall include her.

Stenographer in the office of the master mechanic (Aluminum Forge Plant No. 2); stenographers in the office of the purchasing agent and the assistant purchasing agent (Aviation Engine Parts Manufacturing Plant); stenographer in the office of the general plant superintendent (Aluminum Forge Plant No. 2). These stenographers act in a secretarial capacity, performing the customary duties of private secretaries. Since the master mechanic, the purchasing agent, the assistant purchasing agent, and the plant superintendent occupy supervisory positions, it would appear that such employees, and in turn their secretaries, would have access to advance information concerning labor relations. We shall, accordingly, exclude the stenographers from the unit.⁵

Miscellaneous. The remaining employees whom the Company would exclude as confidential are: In Aluminum Forge Plant No. 2: stenographer in the office of the inspection department, clerk in the office of the die room superintendent, two stenographers in the material department office; In Aviation Engine Parts Manufacturing Plant: stenographer and two clerks in the final inspection office, stenographer in the office of the master mechanic, stenographer in the material department office, clerk in the office of the maintenance plant engineer. All of the employees enumerated handle matters concerning labor relations. They type reprimands, prepare grievance reports, have access to efficiency ratings, and hear discussions among supervisors concerning grievances. They thus acquire advance knowledge of the Company's position on matters pertaining to labor relations. We are of the opinion that these employees are confidential, and, as such, we shall exclude them.

We find that all Saginaw office and clerical employees whether located in offices or in plant buildings, including the employees listed in Appendix A, but excluding the employees listed in Appendices B and C, 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-

⁵ See *Matter of General Cable Corporation*, 55 N. L. R. B. 1143; *Matter of Utah Copper Company*, 57 N. L. R. B. 308.

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 General Motors Corporation, Chevrolet Transmission, Saginaw Division, Saginaw, 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 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 Automobile, Aircraft and Agricultural Implement Workers of America, UAW-CIO, for the purposes of collective bargaining.

APPENDIX A

Timekeepers

Assistant paymaster

Defense coordination department employees

Telephone operators

Aviation Engine Parts Manufacturing Plant

Junior clerk in the office of production engineer

Clerk in the production inspection office

APPENDIX B

Chief timekeeper

Group Leaders

Department heads

Aluminum Forge Plant No. 2

Stenographer in the office of the master mechanic

Stenographer in the office of the general plant superintendent

Stenographer in the office of inspection department

Clerk in the office of the die room superintendent

Two stenographers in the material department office

Aviation Engine Parts Manufacturing Plant

Stenographer and two clerks in the final inspection office

Stenographer in the office of the master mechanic

Stenographer in the material department office

Clerk in the office of the maintenance plant engineer

Stenographers in the office of the purchasing agent and the assistant purchasing agent

APPENDIX C

All employees of the personnel department

All employees of the private pay roll section of the accounting department

All employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action

All secretaries to executives

All employees of the laboratory department

All clerical employees in the offices of the production superintendents of both the Aluminum Forge Plant No. 2 and Aviation Engine Parts Manufacturing Plant

Stenographers in the office of the plant maintenance engineer of Aluminum Forge Plant No. 2

Stenographers in the office of the plant manager of Aviation Engine Parts Manufacturing Plant

Head typist

Cashier

Head comptometer operator

Material man

Factory auditor