

In the Matter of EDWARD G. BUDD MANUFACTURING Co. and BUDD  
CHAPTER, UOPWA, LOCAL 2 (CIO)

*Case No. 4-R-1408*

SUPPLEMENTAL AND AMENDED DECISION

AND

SECOND DIRECTION OF ELECTION

*October 20, 1944*

On August 24, 1944, the Board issued a Decision and Direction of Election in the above-entitled proceeding.<sup>1</sup> Following a report from the Regional Director that the parties were in disagreement with respect to the inclusion or exclusion of group leaders in the unit, the Board on September 19, 1944, ordered that the election be stayed, and that the record be reopened and a further hearing held for the purpose of receiving evidence relative to the status of the group leaders. Pursuant to such order the Board provided for an appropriate hearing upon due notice before Melton Boyd, Trial Examiner. Said hearing was held at Philadelphia, Pennsylvania, on September 26 and 28, 1944. The Company, the C. I. O., and the Independent 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 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:

SUPPLEMENTAL FINDINGS OF FACT

*Group Leaders*

The Company and the Independent contend that the group leaders, with the exception of the group leader in charge of the mail duplication and telegraph service, should be included in the unit, whereas the C. I. O. seeks to have them excluded. Each group leader is in charge of between 3 and 25 employees. The responsibility of the

<sup>1</sup> 57 N. L. R. B. 1577.

58 N. L. R. B., No. 218.

group leader does not extend beyond distributing work to the members of his group, checking the work when completed, and instructing newcomers in the routine rules and procedures of the Company. He spends from 50 to 90 percent of his time working along with other members of the group. The group leader cannot hire or discharge an employee; he cannot sign a labor requisition, a recommendation of a lay-off or a wage increase, or anything pertaining to personnel; and he has no authority to settle employees' grievances. Although the salary of the group leader is from 5 percent to 10 percent higher than that of the highest paid worker in his group, the differential is apparently due in whole or in part to the fact that the group leader is usually the most skilled worker in the group with the longest history of employment with the Company. Recently, because of contract cancellations and cutbacks, a large number of group leaders were reduced to the status of ordinary workers without any reduction in salary. Indicative of the group leader's status is the fact that he is not present at the regular meetings of supervisors which are attended by all supervisory personnel including foremen and assistant foremen.

The group leader in charge of the mail duplication and telegraph service is in a somewhat different category. He supervises a group of teen age boys and girls who require careful handling and his responsibilities are, therefore, considerably greater than those of other group leaders. His recommendations to the office manager for the transfer or discharge of his subordinates are almost invariably followed.

We are of the opinion, and we find, that all group leaders with the exception of the group leader in charge of the mail duplication and telegraph service are not supervisory employees within our customary definition and we shall, therefore, include them in the unit heretofore found appropriate.

Accordingly, the Decision is hereby amended by striking from Section IV, the last paragraph thereof and substituting therefor the following, to wit:

We find that all office and professional employees of the Company, including all timekeepers, store clerks, planning clerks, shop stenographers, shop typists, inventory clerks, and group leaders, but excluding the group leader in charge of the mail duplication and telegraph service, expeditors, personnel counsellors, employment interviewers, job analysts, rate setters and time-study men, safety inspectors, the secretaries to the president, vice presidents, secretaries, treasurer, personnel manager, personnel director, works manager, and assistant works managers, 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.

Since the election originally directed was stayed and the time for the holding thereof has elapsed, we shall issue a Second Direction of Election. We shall direct that the election be held among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of our Second Direction of Election, subject to the limitations and additions set forth in the Direction.

### SECOND 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 Edward G. Budd Manufacturing Co., Philadelphia, Pennsylvania, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Second Direction, under the direction and supervision of the Regional Director for the Fourth 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 the Board's decision of August 24, 1944, as above amended, who were employed during the pay-roll period immediately preceding the date of this Second 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 they desire to be represented by Budd Chapter, United Office and Professional Workers of America, Local 2, C. I. O., or by Independent Workers Union, unaffiliated, for the purposes of collective bargaining, or by neither.

**MR. GERARD D. REILLY** took no part in the consideration of the above Supplemental and Amended Decision and Second Direction of Election.