

In the Matter of PACKARD MOTOR CAR COMPANY and MECHANICS  
EDUCATIONAL SOCIETY OF AMERICA, CUA

*Case No. 8-R-1694.—Decided December 14, 1944*

*Mr. D. C. Livesay*, of Toledo, Ohio, and *Mr. C. R. Binns*, of Detroit, Mich., for the Company.

*Mr. Earl S. Streeter*, of Toledo, Ohio, for MESA.

*Mr. Herbert C. Kane*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Mechanics Educational Society of America, CUA, herein called MESA, alleging that a question affecting commerce had arisen concerning the representation of employees of Packard Motor Car Company, Toledo, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Arthur Stark, Trial Examiner. Said hearing was held at Toledo, Ohio, on November 10, 1944. The Company and MESA 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 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Packard Motor Car Company, a Michigan corporation with its principal office in Detroit, Michigan, owns and operates several plants in and about the Detroit area. In addition thereto, it operates a plant owned by the Defense Plant Corporation located at Toledo, Ohio, hereinafter referred to as the Toledo plant, with which we are

concerned herein. The Company is engaged at the Toledo plant in the manufacture of aircraft engine parts for the United States Government and others of the United Nations. The primary raw materials used at said plant consist of steel and aluminum, 80 percent of which is obtained from points outside the State of Ohio. During the past year, the Company used raw materials valued at in excess of \$300,000, and manufactured during that period finished products valued at in excess of \$1,000,000, all of which were shipped to points outside the State of Ohio.

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

## II. THE ORGANIZATION INVOLVED

Mechanical Educational Society of America, affiliated with the Confederated Unions of America, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to MESA as the exclusive bargaining representative of certain of its employees until MESA has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that MESA represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

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 DETERMINATION OF REPRESENTATIVES

MESA contends that a unit of all employees of the Company in the TPA, TPK, and TTB departments of the Company excluding time-study and supervisory employees is appropriate. The Company does not disagree with the unit proposed, but would further exclude clerical employees and the special assignment man.

Employed in TPK are tool and process engineers, tool designers, and a special assignment man. There is only one employee in TPA, a tool designer. In TTB are plant lay-out and timekeeping employees. Each of these departments also employ clerks, typists, and stenographers. TPA and TPK together with TPF (toolroom) comprise the Mechanical Division of the Company. The employees in

<sup>1</sup> The Field Examiner reported that MESA submitted 24 authorization cards; that the names of 21 persons appearing on the cards were listed on the Company's current pay roll which contained the names of 30 employees in the appropriate unit; and that the cards were dated 14 in July 1944, 3 in August 1944, 3 in October 1944, and 1 was undated

TPF are all hourly paid employees and are presently represented for the purposes of collective bargaining by MESA.<sup>2</sup> The department is under the supervision of the Master Mechanic. TTB is part of the Standards Division of the Company, which is separated from and under different supervision from the Mechanical Division. The only other section of this Division is the tool crib which is presently represented by the CIO.<sup>3</sup>

The unit proposed by MECA is not a homogeneous unit. It does not constitute a craft, multiple-craft, departmental, or divisional unit. It cuts across departmental and divisional lines and cannot be delineated in any way on a functional basis. We are of the opinion, however, that a unit comprising all the employees of the Mechanical Division of the Company would be appropriate. In view of the absence of any question concerning representation among the TPF employees in the Mechanical Division for which MESA was previously certified by the Board, we shall direct an election among the remaining divisional employees in the TPA and TPK departments. If the employees in such voting group select MESA, they will thereby have indicated their desire to be included in a divisional unit with the employees of TPF, the toolroom, and will be part of such unit.

Special assignment men normally occupy a supervisory position. The only one now employed, however, is presently engaged in passing upon suggestions presented to the Company by its employees, in connection with the war effort, for improved methods of production. We are of the opinion that his interests are more closely allied with those of management than with those of the employees here petitioned for. We shall exclude him from the unit. We shall also exclude clerical employees who, we customarily find, have duties and interests differing substantially from those of technical employees.

We shall accordingly direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in TPA and TPK departments, excluding time-study and clerical employees, special assignment men, 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, who were employed within the respective departments 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.

<sup>2</sup> *Matter of Packard Motor Car Company*, 54 N. L. R. B. 1029.

<sup>3</sup> See footnote 2.

<sup>4</sup> The Company intends to hire additional special assignment men in the near future who will be engaged in a supervisory capacity.

## 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 Packard Motor Car Company, Toledo, 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, in the group of employees described 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 Mechanics Educational Society of America, CUA, for the purposes of collective bargaining.

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