

In the Matter of DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA PLANT and LOCAL UNION B-11, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, A. F. L.

Case No. 21-R-2523.—Decided January 11, 1945

Messrs. Louis Lieber and A. C. Galbraith, of Santa Monica, Calif., for the Company.

Messrs. C. DeMontreville and Jack Smith, of Los Angeles, Calif., and Mr. Theodore Nielsen, of Santa Monica, Calif., for the Union.

Mr. Harry Nathanson, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by Local Union B-11, International Brotherhood of Electrical Workers, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Douglas Aircraft Company, Inc., Santa Monica Plant, Santa Monica, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Charles M. Ryan, Trial Examiner. Said hearing was held at Los Angeles, California, on November 24, 1944. The Company and the Union appeared and participated.¹ 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

Douglas Aircraft Company, Inc., is a Delaware corporation with its principal place of business located at Santa Monica, California.

¹ Although duly served with Notice of Hearing, the following organizations failed to appear: International Association of Machinists; United Automobile, Aircraft & Agricultural Implement Workers of America; Central Labor Council; and Los Angeles Independent Union Council.

It is engaged in the manufacture of aircraft and aircraft parts. In the course and conduct of its business, the Company operates several plants in the State of California and in other States of the United States. We are concerned herein with the plant of the Company located at 3000 Ocean Park Boulevard, Santa Monica, California, designated as the Santa Monica plant. The Company purchases for use at its California plants raw materials annually valued at approximately \$70,000,000, of which approximately 95 percent is purchased from sources located outside the State of California. The Company produces at its California plants aircraft and aircraft parts annually valued at more than \$180,000,000, almost all of which is produced for delivery to points outside the State of California.

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

II. THE ORGANIZATION INVOLVED

Local Union B-11, International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The Union seeks a unit of all hourly paid telephone switchboard operators "A" and "B," telegraph and teletype operators, department clerks "A" and "B," and accounting clerks "A," employed at the Company's Santa Monica plant, excluding group leaders and all other supervisory employees. The Company disputes the appropriateness of this unit, contending that (1) the employees sought to be included are ineligible to membership in the Union, (2) their work is of a confidential nature, and (3) similar categories of employees working in outlying locations of the Santa Monica plant are not included in the unit sought.

The Company's communications department, known as Department 302, includes telephone switchboard operators "A" and "B," telegraph and teletype operators, department clerks "A" and "B," and accounting clerks "A" at the Santa Monica plant and at its outlying locations as well.² Switchboard operators "A" and "B" operate the multiple and auxiliary switchboards and the teletypewriters.³ Department clerks "A" and "B" record departmental data. Accounting clerks "A" perform general clerical duties involving general accounting, cost

² The outlying locations comprise nine plants, of which the most distant is approximately 18 miles from the Santa Monica plant.

³ It appears that telegraph and teletype operators are embraced by the classifications "telephone switchboard operators 'A' and 'B'."

accounting, pay-roll work, auditing, and bookkeeping. An "A" classification receives more pay than a "B" classification.⁴

There are approximately 41 employees in Department 302 who work at the Santa Monica plant and approximately the same number in that department who work at the outlying locations. The Union seeks to represent only the former. However, they are all under the supervision of the manager of communications who is in charge of Department 302. Moreover, the record discloses that all similarly classified employees in Department 302 enjoy substantially the same wages and working conditions. In addition, there are frequent transfers of employees in this department between the Santa Monica plant and the outlying locations, all employees in the department are hired at the Santa Monica plant, and there is department-wide seniority.

In view of the foregoing facts, we find that the unit proposed by the Union is inappropriate. We shall, therefore, dismiss the petition herein.

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since, as found in Section III, above, the bargaining unit sought by the Union is inappropriate, we find that no question has arisen concerning the representation of employees of the Company within the meaning of Section 9 (c) of the National Labor Relations Act.

ORDER

It is HEREBY ORDERED that the petition for investigation and certification of representatives of employees of the Douglas Aircraft Company, Inc., Santa Monica Plant, Santa Monica, California, filed herein by Local Union B-11, International Brotherhood of Electrical Workers, A. F. L., be, and it hereby is, dismissed.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Order.

⁴ Although the Company contends that these employees are ineligible for membership in the Union, the Union asserts that they are. In any event, we do not regard this matter as germane to the issue of the appropriate unit. See *Matter of Grand Rapids Fiber Cord Company*, 56 N. L. R. B. 543. Furthermore, we do not agree that these employees should be excluded from any unit for the reason that they have access to confidential information. It is apparent from their duties that they do not bear a confidential relationship to management, as such, and that they are merely clerical employees. See *Matter of Spicer Manufacturing Corporation*, 55 N. L. R. B. 1491.