

In the Matter of VICKERS, INCORPORATED and UNITED ELECTRICAL,
RADIO AND MACHINE WORKERS OF AMERICA, CIO

Case No. 7-R-1885.—Decided February 28, 1945

Beaumont, Smith & Harris, by *Mr. Albert E. Meder*, and *Mr. L. W. Gaffney*, of Detroit, Mich., for the Company.

Mr. David Scribner, of New York City, for the Union.

Mr. Sidney Grossman, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by United Electrical, Radio and Machine Workers of America, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Vickers, Incorporated, Detroit, Michigan, herein called the Company,¹ the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert J. Wiener, Trial Examiner. Said hearing was held at Detroit, Michigan on December 21, 1944 and January 17, 1945. 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 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

Vickers, Incorporated, a Michigan corporation, with its principal offices and place of business in Detroit, Michigan, is engaged in manufacturing oil hydraulics, oil transmissions, and control systems for

¹ At the hearing, the name of the Company was amended as designated above.

various types of machinery, as a wholly owned subsidiary of Sperry Corporation. This proceeding is concerned with the Company's operations conducted in the building known as Convention Hall, Detroit, Michigan, where a substantial portion of the materials processed, consisting principally of steel forgings, bronze castings, and ferrous and non-ferrous bar stock, is secured from sources outside the State of Michigan. The products manufactured by the Company at its Convention Hall space approximate \$500,000 in value, a major portion of which eventually reaches customers located in States other than the State of Michigan.

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

II. THE ORGANIZATION INVOLVED

United Electrical, Radio and Machine Workers of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The Union seeks a unit comprised of the production and maintenance employees employed by the Company at Convention Hall in Detroit, Michigan. The Company opposes separation of its Convention Hall employees from those at its main plant located at Oakman Boulevard, Detroit, and at its branch plant located at "8-mile road," about 6 miles distant therefrom. The Oakman plant is the center of the Company's managerial and administrative functions and a substantial portion of its production activities. In March 1942, the Company leased considerable space in the building known as Convention Hall, situated about 5 miles from its main plant and about 11 miles from the site of its branch plant, as a temporary measure for the purpose of meeting increased production requirements resulting from expanded war-time activities pending the construction of the branch plant. However, the Company continued to operate at Convention Hall when the facilities of the 8-mile road plant, completed in September 1942, proved inadequate to accommodate its full production schedule. The Oakman plant principally manufactures Navy and commercial hydraulic units and has about 3,711 hourly rated employees in its employ, inclusive of the Convention Hall employees.

Functional considerations and other factors adverted to below, amply support the Company's contention that the proposed unit is inappropriate for the purposes of collective bargaining. Convention Hall is regarded as part of the Oakman plant, and therefore does not operate under the supervision of a separate superintendent as does the branch

plant at 8-mile road. It is partly dependent upon other production facilities of the Company, and, in turn, processes parts that are assembled at the Oakman plant. Moreover, it functions under managerial authority established at the Oakman plant which, as indicated above, is the source of the Company's labor relations policies. The record also discloses that the Union's efforts in organizing the employees at the Oakman plant has been progressing satisfactorily, and that it has not ceased its organizational activities with regard to these employees.² Similarly, prior efforts to organize the employees at the Oakman plant, included the employees at Convention Hall.³ We therefore find, under the circumstances here present, that the unit petitioned for is inappropriate for the purposes of collective bargaining.⁴

IV. THE QUESTION CONCERNING REPRESENTATION

Since, as pointed out in Section III, above, the bargaining unit sought to be established by the Union is inappropriate for the purposes of collective bargaining with the Company, we find that no question has been raised concerning the representation of employees of the Company, within the meaning of Section 9 (c) of the National Labor Relations Act.

ORDER

Upon the basis of the above findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of Vickers, Incorporated, Detroit, Michigan, filed by United Electrical, Radio and Machine Workers of America, CIO, be, and it hereby is, dismissed.

² While the extent of the Union's organization in the Oakman plant is not disclosed, a witness for the Union testified that the Union has a "considerable" membership therein.

³ A consent election conducted in 1940 included all hourly rated production and maintenance employees of the Company. A similar election conducted in 1942 included the employees in the Oakman plant as well as those at Convention Hall. In both instances, the participating CIO union, other than the Union herein, lost the election. *Matter of Vickers, Inc.*, 28 N L R B. 1048, 42 N L R B. 924

⁴ *Matter of Anthony Company*, 51 N. L. R. B. 1084; *Matter of Charles H Bacon & Company*, 53 N L R B. 296; *Matter of The Weldon Tool Company*, 55 N. L. R. B. 1211; *Matter of Newnan Cotton Mills*, 57 N. L. R. B. 917.