

In the Matter of GENERAL ELECTRIC COMPANY and UNITED ELECTRICAL,
RADIO & MACHINE WORKERS OF AMERICA (CIO)

Case No. 6-R-831

SUPPLEMENTAL DECISION
AND
ORDER

March 24, 1945

On March 7, 1944, pursuant to a Decision and Direction of the Board¹ and elections conducted pursuant thereto, the Board certified United Electrical, Radio & Machine Workers of America (CIO), herein called the Union, as the exclusive representatives of employees of the Company in two units.

On January 16, 1945, the Union filed a Motion with the Board requesting that its certification be clarified, alleging that it was impossible to determine the status thereunder of 26 employees, some of whom cast challenged ballots in the election, and whose status was not then examined by the Board because the challenges did not affect the results of the election. In accordance with the request, the Board, on January 23, 1945, directed that a hearing be held to develop information for clarification of the said certifications. The said hearing was held February 21, 1945, at Erie, Pennsylvania, before W. G. Stuart Sherman, Trial Examiner.

At the hearing, it developed that the certifications, as issued, are not ambiguous and need no clarification. All parties were in agreement that under the certifications, group leaders employed by the Company are excluded from the appropriate unit. The controversy centered about whether or not the 26 persons involved are, in fact, group leaders. Prior to and during the hearing, the parties agreed upon the status of all but one of the persons involved: A. R. McGill. Since the parties by this agreement included in the appropriate unit certain employees whom the Company designates as leaders, and excluded others identically designated, it appears that the Board has been asked to pass upon whether or not certain employees have been properly classified by the Company, and not upon whether or not employees of a particular

¹ 54 N. L. R. B. 1299.

60 N. L. R. B., No. 256.

classification or classifications should be included in one of the units heretofore certified, as was implied in the motion filed by the Union. If we had been apprised that this was the real issue between the parties, it is questionable whether we would have ordered the further hearing in this matter.

Moreover, since nothing appears in the record concerning the factors which the parties took into consideration in agreeing to include some and exclude others of the persons herein involved, most of whom were designated by the Company as leaders, we cannot pass upon the propriety of their agreement. Similarly, for lack of information upon which to base a comparison between McGill's duties and authority and those of other so-called leaders who have been included in or excluded from the unit by agreement of the parties, we cannot determine whether or not he should be excluded from the appropriate unit. Accordingly, we shall deny the petition for clarification.

ORDER

Upon the entire record in the case, and the foregoing findings of fact, the National Labor Relations Board hereby denies the Motion filed by United Electrical, Radio & Machine Workers of America (CIO) for clarification of the units heretofore certified.