

In the Matter of ACME CARTAGE, INC., EMPLOYER *and* LOCAL No. 10,  
OFFICE EMPLOYEES INTERNATIONAL UNION, AFFILIATED WITH THE  
AMERICAN FEDERATION OF LABOR, PETITIONER

*Case No. 7-RC-672.—Decided December 8, 1949*

DECISION  
AND  
ORDER

Upon a petition duly filed, a hearing was held before Harold L. Hudson, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Houston and Gray].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The labor organization involved claims to represent employees of the Employer.

3. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, for the following reasons:

The Petitioner seeks a unit of office and clerical employees at the Employer's Detroit, Michigan, freight-forwarding plant, including dispatchers, but excluding professional employees and supervisors. The Employer contends that, because all but one of the persons sought to be included in the proposed unit are supervisors, and the one employee cannot alone constitute a collective bargaining unit, the unit sought by the Petitioner is inappropriate.

Four persons are employed in the Employer's office, of whom 2 are classified as dispatchers; 1, as clerk and dispatcher; and 1, as clerk.<sup>1</sup> They work under the direct supervision of the Employer's manager. The 2 dispatchers, working on different shifts, dispatch the employ-

<sup>1</sup> The clerk is also referred to as "bookkeeper-secretary."

er's drivers, of whom there are 25, on their initial runs, relay instructions to them in the field by means of a "pick-up dispatch board," and otherwise generally direct the work of drivers. The clerk and dispatcher spends 3 hours per day—2 hours alone and 1 with a dispatcher—dispatching drivers on their initial runs; the rest of the time he keeps office records and assists one of the dispatchers on the pick-up dispatch board.

Whenever they are on dispatch duty, the dispatchers and the clerk and dispatcher may hire new drivers without consulting their supervisor. They may effectively recommend the discipline and discharge of drivers. As most grievances of drivers are against dispatchers, the latter may attempt individually to adjust drivers' grievances through consultation with the steward of the drivers' union.<sup>2</sup> We find that the two dispatchers and the clerk and dispatcher are supervisors within the meaning of the Act, and that they are therefore ineligible for inclusion in an appropriate bargaining unit.

It is well established that a unit consisting of only one employee is a unit inappropriate for collective bargaining.<sup>3</sup> As the Employer's clerk is the only employee sought to be included in the unit, we find that the unit sought by the Petitioner is inappropriate. We shall therefore dismiss the petition.

### ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed.

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<sup>2</sup> Local 299, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America, AFL.

<sup>3</sup> *Erie City Iron Works*, 85 NLRB 1808, and cases cited therein.