

In the Matter of AMERICAN SHEET METAL WORKS and UNITED STEEL-
WORKERS OF AMERICA, C. I. O.

Case No. 15-R-1635

SUPPLEMENTAL DECISION

AND

DIRECTION

October 15, 1946

On July 23, 1946, pursuant to the Decision and Direction of Election issued by the Board herein on July 13, 1946,¹ an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Fifteenth Region (New Orleans, Louisiana). Upon the conclusion of the election, a Tally of Ballots was furnished the parties in accordance with the Rules and Regulations of the Board.

The Tally shows that of the approximately 44 eligible voters, 21 voted for United Steelworkers of America, C. I. O., herein called the Union, 21 voted against the Union, and 1 ballot was challenged. No objections were filed to the conduct of the election.

Pursuant to Article III, Section 10, of National Labor Relations Board Rules and Regulations, Series 3, as amended, then in effect, the Regional Director investigated the challenged ballot, issued and duly served upon the parties copies of his Report on Challenged Ballot in which he found that the employee whose ballot was challenged, one Arretta Guy, was eligible to vote, in that she was covered by the description of the appropriate unit. Thereafter, the Company filed exceptions to the Report, taking issue with the Regional Director's finding that Arretta Guy was encompassed within the appropriate unit of production and maintenance employees, and contesting his subsidiary finding that when Guy returned to work in January 1946 she was found to be physically incapable of resuming production work and was given the job of janitress or portress only until she would be able to return to such work.

Upon the entire record in the case, including the Report on Challenged Ballot, and the exceptions thereto, the Board makes the following:

SUPPLEMENTAL FINDINGS OF FACT

It is not necessary to decide whether or not Arretta Guy was placed in the job of janitress or portress in January 1946 only until she was

¹ 69 N. L. R. B. 467.

71 N. L. R. B., No. 51.

physically able to return to production work.² The parties agree that Guy works 5 hours a day, 6 days a week. Each day she spends 3 hours cleaning the Company's offices. Three days each week she spends the additional 2 hours of her working time cleaning the rest rooms and change room in the factory. On the other 3 days she spends the additional 2 hours cleaning and doing odd jobs in and outside the plant and office.

The Company contends that Guy, as a janitress, is not a member of the production and maintenance unit because the majority of her time is spent in cleaning the office, because she punches the office time clock, because the regulations affecting her work are posted in the office, and because her time card is approved by the office manager. We cannot agree with the Company's contention. The Board has held that a janitress is properly a member of a production and maintenance unit even when she works exclusively in and around the office.³ It cannot be gainsaid that a janitress such as Guy is not a white-collar employee, and that her work, which consists of maintaining the premises in proper condition and which is manual in nature, places her within the compass of a production and maintenance grouping. Accordingly, we shall overrule the challenge to Guy's ballot.

We shall direct that her ballot be opened and counted.⁴

DIRECTION

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 Section 203.54, of National Labor Relations Board Rules and Regulations—Series 4, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purpose of collective bargaining with American Sheet Metal Works, New Orleans, Louisiana, the Regional Director for the Fifteenth Region shall, pursuant to the Rules and Regulations of the Board set forth above, and subject to Sections 203.55 and 203.56, of said Rules and Regulations, within (10) days from the date of this Direction open and count the challenged ballot of Arretta Guy, and shall thereafter prepare and cause to be served upon the parties in this proceeding a Supplemental Tally of Ballots, including therein the count of this challenged ballot.

² The pay-roll period ending July 7, 1946, was used to determine voting eligibility. Guy apparently was a janitress during this period and on the day of the election.

³ See *Matter of General Chemical Company*, 57 N L R B 524.

⁴ The Company argues that if Guy's ballot is counted an opportunity to vote should be afforded to two other employees whose work takes them into the factory from time to time, and whose names, like that of Guy, were not included in the list of eligible voters. Aside from the question of whether or not these two employees form part of the appropriate unit, however, they were afforded the same opportunity as Guy to test their eligibility by appearing at the polls and voting under challenge. They did not appear.