

IN the Matter of GENERAL ELECTRIC COMPANY, EMPLOYER and UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA (CIO), PETITIONER

*Case No. 20-R-1933.—Decided February 20, 1947*

*Messrs. Andrew Yatsko and Lucian J. Jewals, of Oakland, Calif., for the Employer.*

*Mr. John Bittman, of Oakland, Calif., for the Petitioner.*

*Mr. Thomas B. Sweeney, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at San Francisco, California, on December 19, 1946, before Robert Tillman, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

General Electric Company, a New York corporation having its principal office and place of business in Schenectady, New York, is engaged in the manufacture and sale of electrical devices and equipment and operates manufacturing plants, service shops, and warehouses in several States throughout the United States.

The operation involved in the instant proceeding is the Employer's manufacturing plant located at San Jose, California, a branch of its Oakland, California, works. During the 10-month period ending October 31, 1946, the Employer purchased for use at its Oakland works and San Jose branch, materials valued at approximately \$3,800,000, of which more than 90 percent was shipped to its Oakland works from points outside the State of California. During the same period, the Employer sold products manufactured at the aforesaid plants, having

a value in excess of \$3,400,000, of which approximately 20 percent was sold and shipped to points outside the State of California.

The Employer admits and we find that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

The Petitioner is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

## III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Petitioner as the exclusive bargaining representative of employees of the Employer, contending that the petition for certification has been prematurely filed. In support of its contention the Employer asserts that the personnel in the unit hereinafter found to be appropriate is being increased and the group presently employed should not be permitted to select a bargaining agent for the larger group which will exist in June 1947.

In view of the following facts which the record discloses, we find that the Employer's contention is without merit. The Employer commenced hiring at its San Jose plant in the middle of July 1946, and, as of December 19, 1946, the date of the hearing herein, had employed 71 persons. It expected to employ 100 workers by February 1. It is anticipated that its full complement of 205 employees will have been hired by June 1947. The plant is about 90 percent equipped. The Employer is presently engaged in the production of single-phase induction motors, such production being about 25 percent of the plant's ultimate capacity. The plant, when operating at capacity, will produce the same type of motor as is presently produced.

Since the present complement of employees is admittedly a group which is representative of the full complement, we are of the opinion that an election at the present time is appropriate.<sup>1</sup>

We shall, however, entertain a new petition for investigation and certification of representatives covering the employees involved herein within less than a year, but not before the expiration of 6 months from the date of any certification we may issue in the instant proceeding, upon proof (1) that the number of employees in the appropriate unit is more than double the number eligible to vote in the election herein-

<sup>1</sup> *Matter of Tuttle Silver Company, Inc.*, 66 N. L. R. B. 238, *Matter of Adler Metal Products Corp.*, 67 N. L. R. B. 328; *Matter of Firestone Tire & Rubber Company*, 69 N. L. R. B. 634; *Matter of Holeproof Hosiery Company*, 67 N. L. R. B. 1397.

after directed; and (2) that the Petitioner represents a substantial number of employees in the expanded appropriate unit.

We find that a question affecting commerce has arisen concerning the representation of employees of the Employer, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

#### IV. THE APPROPRIATE UNIT

We find, in accordance with the stipulation of the parties, that all production and maintenance employees of the Employer at its San Jose, California, plant, including warehouse employees, but excluding office clerical employees, technical employees, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

On February 11, 1947, International Association of Machinists, herein called the I. A. M., filed a motion to intervene, desiring to participate in any election which the Board might direct in this proceeding. In support of its motion, the I. A. M. submitted certain authorization cards purporting to bear the names of employees in the unit herein found appropriate. Since these cards are all dated subsequent to the day of the hearing on the instant petition, the motion is denied.<sup>2</sup>

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot, subject to the limitations and additions set forth in the Direction.

#### DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with General Electric Company, San Jose, California, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Twentieth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Sections 203.55 and 203.56, of National Labor Relations Board Rules and Regulations—Series 4, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-

<sup>2</sup> *Matter of The United Boat Service Corporation*, 55 N. L. R. B. 671, 675.

roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by United Electrical, Radio and Machine Workers of America (CIO), for the purposes of collective bargaining.