

GENERAL ELECTRIC COMPANY *and* JASON L. MOSER, PETITIONER *and* INTERNATIONAL UNION OF ELECTRICAL RADIO AND MACHINE WORKERS, CIO

GENERAL ELECTRIC COMPANY *and* ARTHUR H. BENIEN, PETITIONER *and* LOCAL 901, INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, CIO

GENERAL ELECTRIC COMPANY *and* GLENN D. SEABOLD, PETITIONER *and* LOCAL 901, INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, CIO

GENERAL ELECTRIC COMPANY *and* WENDELL A. MILLER, PETITIONER *and* LOCAL 901, INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, CIO. *Cases Nos. 13-RD-151, 13-RD-144, 13-RD-149, and 13-RD-150. March 6, 1953*

### Decision and Direction of Elections

Upon petitions for<sup>1</sup> decertification duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Virginia M. McElroy, 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 Act, the Board has delegated its powers in connection with these cases to a three-member panel [Chairman Herzog and Members Styles and Peterson].

Upon the entire record in these cases, the Board finds:

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

2. The Petitioners, employees of the Employer, assert that the Union is no longer the representative, as defined in Section 9 (a) of the amended Act, of the employees designated in the petitions.

International Union of Electrical, Radio and Machine Workers, CIO, and its Local 901, herein jointly called IUE-CIO, are labor organizations currently recognized by the Employer as the exclusive bargaining representatives of employees designated in the petitions.<sup>2</sup>

3. IUE-CIO urges its contract with the Employer as a bar to this proceeding. The Employer takes no position. On October 11, 1951, the Employer and IUE-CIO executed a national agreement covering employees in all of the Employer's plants for whom IUE-CIO and its locals have been certified as collective-bargaining representatives. The agreement was made effective from September 15, 1951, to September 15, 1952, subject to automatic renewal in the absence of notice

<sup>1</sup> Upon direction of the Regional Director, the petitions in this matter were consolidated.

<sup>2</sup> IUE-CIO is the labor organization sought to be decertified in Case No. 13-RD-151. Local 901, IUE-CIO, is the labor organization sought to be decertified in Cases Nos. 13-RD-144, 13-RD-149, and 13-RD-150.

to terminate or modify served by either party not more than 60 days and not less than 30 days prior to September 15, 1952, or prior to September 15 of any subsequent year. The agreement further provided that if the negotiations did not result in a "settlement" by September 15, 1952, it should continue in effect until the tenth day following notice given by either party of its intention to terminate.

On July 15, 1952, IUE-CIO gave timely notice of its desire to negotiate modifications in the national agreement. The decertification petitions herein were filed on September 4, October 3, 10, and 20, 1952, respectively. On October 28, 1952, the Employer and IUE-CIO executed an amended contract. As automatic renewal of the national agreement executed October 11, 1951, was forestalled by the Intervenor's timely notice to modify the agreement, and as the petitions herein were filed before the execution of the amended contract, neither the original contract nor the amended contract serves as a bar to this proceeding.<sup>3</sup> Accordingly, we find that no bar exists to a present determination of representatives.

We find that a 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.<sup>4</sup>

4. The appropriate unit:

The Petitioner in Case No. 13-RD-151 seeks to decertify a unit of salaried clerical employees at the Employer's *Decatur*, Indiana, plant. The parties stipulated at the hearing to the appropriateness of this unit.

The Petitioners in Cases Nos. 13-RD-144, 13-RD-149, and 13-RD-150, are seeking, for the purpose of decertification, to sever the technical employees from the existing unit of salaried office, clerical, and technical employees of the Employer's *Fort Wayne*, Indiana, plant. They would effect such severance in 3 separate units of (1) engineering assistants, (2) laboratory assistants, and (3) draftsmen, respectively, or, in the alternative, in a single unit of all technical employees, or in 2 units, with engineering and laboratory assistants in one and draftsmen in the other. The Union, IUE-CIO, contends that because of their past inclusion in the overall unit, the technical employees may not be severed. The Employer takes no position on this issue. If, however, the Board finds that the technical employees are severable, both IUE-CIO and the Employer agree with the Petitioners that the Board direct an election in separate

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<sup>3</sup> *Worthy Paper Company Association*, 80 NLRB 19, 20.

<sup>4</sup> At the hearing the Intervenor moved for dismissal on the grounds (1) that Petitioners are in fact seeking recognition as bargaining representatives of rival labor organizations; and (2) that the Employer has assisted the Petitioners in the filing of these petitions. Inasmuch as there is no evidence in the record supporting either of these allegations of the Intervenor, we shall deny the motions.

groups of (1) engineering assistants, (2) laboratory assistants, and (3) draftsmen.

The Employer is engaged in the general manufacture of electrical products. The Fort Wayne and Decatur plants are part of the Employer's nationwide system of operations. In 1950, IUE-CIO was certified as exclusive bargaining representative of a unit of office, clerical, and technical employees at the Employer's *Decatur* plant, and IUE-CIO, Local 901, was certified as exclusive bargaining representative of a unit of office, clerical, and technical employees at the Employer's *Fort Wayne* plant.

Case No. 13-RD-151 (Decatur)

We find, in agreement with the parties, that the following employees constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All office, clerical, and technical employees of the Employer at its Decatur apparatus department plant, 500 North 9th Street, Decatur, Indiana, excluding commission and sales employees, auditors, and accountants, test engineers, confidential secretaries, stenographers, and employees who work on confidential payrolls, employee interviewers, placement personnel, medical technicians, a chief receptionist, cashiers, telephone switchboard operators, planning, wage rate, methods and time-study employees, professional employees, guards, and supervisors as defined in the Act.

Cases Nos. 13-RD-144, 13-RD-149, and 13-RD-150 (Fort Wayne)

There are 10 major departments at the Fort Wayne plant, 6 of which have employees involved in this proceeding. The 6 departments are: Specialty transformer and ballast department, general AC fractional horsepower motor department, specialty and defense fractional horsepower department, electric sink and home laundry department, hermetic fractional department, and small interval motor department. Each of these is generally divided into 4 lesser departments: Market, finance, manufacturing, and engineering. A manager is in charge of each of the lesser departments, and a general manager directs the major departmental operation. In the engineering department, there are, among other classifications not involved here, an engineering section, a drafting section, and a laboratory section. There are approximately 1,300 salaried employees in the existing office, clerical, and technical unit represented by IUE-CIO. Of these 45 are engineering assistants, 43 are laboratory assistants, and 200 are draftsmen.

*Engineering assistants:* The engineering section handles the research, development, and design of the products for each department. A manager of engineering directs the design engineers, and the engineering assistants, whose duties range from highly complex, specialized, technical work involving scientific analysis and requiring an extensive knowledge of diversified technical procedures to work of a semitechnical nature requiring a working knowledge of the equipment and materials involved. There is no interchange with the draftsmen or laboratory assistants. Moreover, the uncontradicted testimony of the Employer was that the assignments and duties of the engineering assistants require technical knowledge separate from those required of the draftsmen or laboratory assistants.

*Laboratory assistants:* The laboratory assistants are engaged in research and testing duties requiring the application of higher mathematics through the utilization of specialized training. They work in conjunction with the laboratory chemists and metallurgists in two special laboratory sections. These sections are separate from the rest of the plant and are under the supervision of laboratory managers. Although the Employer prefers to hire college graduates for its laboratory positions, clerical employees with aptitude for the laboratory work are also promoted to these special sections. The laboratory assistants thus secured are trained on the job for their specialized duties.

*Draftsmen:* The draftsmen are responsible for the drafting of new equipment and variations of previous designs. Both the detail and design draftsmen are trained for 3½ years in the Employer's apprentice course for draftsmanship. There is no interchange with laboratory assistants or engineering assistants. Whereas many of the engineering and laboratory assistants are promoted from other clerical positions, the draftsmen are hired from without the plant, have usually had some previous drafting experience, and are subject to a different classification scale of evaluation. They are under separate immediate supervision and are usually physically segregated from the other employees included in the salaried unit now represented by the Intervenor.

The Board in the past has included technical employees within a unit containing office and clerical employees where, as in the earlier Board decision<sup>5</sup> which established the unit of office, clerical, and technical employees now represented by the Intervenor, no objection was raised to the establishment of a single combined unit. Where, however, as here, objection is in fact made, the Board recognizes the differences in the interests, background, and functions of technical

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<sup>5</sup> *General Electric Company*, 89 NLRB 726, 760.

employees and those of clerical employees, and establishes such groups in separate units.

As the Board applies the same unit principles in decertification proceedings as in all other representation proceedings, the fact that such issue was raised by means of a decertification petition will not affect the result.<sup>6</sup>

As all the parties agree to an election in the three separate units in the event severance is permitted, we shall direct that separate elections by secret ballot be held among the following groups of employees at the Employer's Fort Wayne, Indiana, plant, excluding from each group all other employees, professional employees, guards, and supervisors as defined by the Act.

1. All engineering assistants.
2. All laboratory assistants.
3. All draftsmen and trainees.<sup>7</sup>

If the employees in any of the foregoing voting groups do not select the Union, the Union will be decertified as to them; if, on the other hand, they select the Union, they will be taken to have indicated their desire to remain in the existing salaried unit now represented by the Union.

[Text of Direction of Elections omitted from publication in this volume.]

<sup>6</sup> *American Smelting and Refining Company*, 80 NLRB 68.

<sup>7</sup> Inasmuch as the "trainee draftsmen" are schooled in the Employer's draftsmen course and graduate into regular drafting duties, we find that they have interests and working conditions in common with the detail and design draftsmen, and we shall, therefore, include them in the unit.

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BONDED FREIGHTWAYS, INC. *and* BONDED DRIVERS AND MECHANICS INDEPENDENT UNION, PETITIONER. *Case No. 3-RC-1110. March 6, 1953*

### Decision and Direction of Elections

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Leonard Leventhal, 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 Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Styles and Peterson].

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

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