

GRAND CENTRAL AIRCRAFT CO., INC. *and* INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, CIO (UAW-CIO)

GRAND CENTRAL AIRCRAFT CO., INC. *and* INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, CIO (UAW-CIO), Petitioner. Cases Nos. 21-CA-1101 and 21-RC-1813. July 23, 1953

SUPPLEMENTAL DECISION AND ORDER

On March 26, 1953, the Board issued a Decision and Order in the above-entitled proceeding.¹ Thereafter, on July 25, 1953, the Respondent filed "Motions to Dismiss Complaint and Objections and to Set Aside Order" and supporting memorandum. The General Counsel and the Union filed memoranda in opposition to the Respondent's motion. Having duly considered the matter, the Board finds as follows:

1. The unfair labor practice charges in this case were filed by International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, CIO (UAW-CIO), Region 6. Throughout this proceeding, whenever reference was made to the charging Union, the designation of that organization followed the description in the charges.² The Respondent contends that: "Region 6" is a separate labor organization within the meaning of the Act; the Board adopted such finding by the Trial Examiner to which no exceptions were filed; "Region 6" has not complied with Section 9 (f), (g), and (h) of the Act; and therefore the entire complaint must be dismissed. The General Counsel and the charging Union, UAW-CIO, argue in opposition that "Region 6" is not a separate labor organization, but a geographical designation employed as a convenient means of carrying on the internal administrative affairs of the UAW-CIO, and that, in any event, "Region 6" is in compliance.

Upon the basis of the findings in R. H. Osbrink, et al., d/b/a R. H. Osbrink Manufacturing Company,³ involving the identical issue, the Board concludes that "Region 6" is not a separate labor organization, but only an administrative arm or subdivision of the UAW-CIO and therefore was not required to comply with the filing requirements of Section 9 (f), (g), and (h) of the Act. In order to avoid any further ambiguity we shall amend the Board's Decision and Order to delete the words "Region 6" wherever they appear in such Decision and Order.

¹103 NLRB 1114.

²Except for the opening paragraph of the complaint which omitted reference to "Region 6."

³106 NLRB No. 7.

2. The Respondent further contends that "Region 6" UAW-CIO, Grand Central Organizing Committee UAW-CIO, and "the local union which UAW-CIO would like to organize" are the real parties in interest in Case No. 21-RC-1813, that the International Union UAW-CIO is fronting for these noncomplying "labor organizations" and will not bargain on behalf of the Respondent's employees, and that therefore the objections of UAW-CIO in Case No. 21-RC-1813 must be dismissed.

The union organizational campaign literature was variously circulated in the name of Grand Central Organizing Committee UAW-CIO, Aircraft Division UAW-CIO, and UAW-CIO. Organizers' cards were issued in the name of Grand Central Organizing Committee UAW-CIO, and the campaign was under the direction of a UAW-CIO international representative. The union-authorization cards designated the UAW-CIO, the demand for recognition was made by the UAW-CIO, and the representation petition was filed by the UAW-CIO. Under the terms of the UAW-CIO constitution an International executive board member has direct supervision over all organizational activities within his region and the International executive board as well as a local union is empowered to make contracts with employers. These facts indicate that the Petitioner, International Union, UAW-CIO, is the real party in interest and that the Grand Central Organizing Committee UAW-CIO is clearly an auxiliary arm of the UAW-CIO, established for organizing purposes, and need not comply.⁴ Furthermore, the fact that the UAW-CIO may establish a local if it wins the election does not nullify the conclusion that it is entitled to maintain the present proceeding in its behalf.⁵ The Respondent's contentions are therefore without merit.

ORDER

IT IS HEREBY ORDERED that the Respondent's "Motions to Dismiss Complaint and Objections and to Set Aside Order" be, and they hereby are, denied.

IT IS FURTHER ORDERED that the Decision and Order issued herein be, and it hereby is, amended by deleting therefrom the phrase "Region 6" wherever it appears in said Decision and Order, and that the Decision and Order as printed shall appear as hereby amended.

⁴United Tanners, Inc., 103 NLRB 760, footnote 3; Tin Processing Corporation, 80 NLRB 1369.

⁵The Board has held that whether or not a local union is established, and whether or not its officers will comply with the Act, is conjectural and too premature to warrant consideration. Tin Processing Corporation, *supra*.

The Respondent's contention that "Region 6" is a real party in interest in Case No. 21-RC-1813 is answered by our finding above that "Region 6" is not a separate labor organization.