

circumstances finds to be appropriate for the purposes of collective bargaining.

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

WISCONSIN MOTOR CORPORATION *and* INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT, AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO), PETITIONER. *Case No. 13-RC-2603. August 29, 1952*

Decision and Direction of Election

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before William D. Boetticher, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

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 Houston and Murdock].

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

1. The Employer is engaged in commerce within the meaning of the Act.
2. The labor organization involved claims to represent certain employees of the Employer.
3. 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.
4. The Petitioner seeks to add to the production and maintenance unit which it now represents a group of timekeepers and shop clerical employees.² The Employer contends that these employees are actually office clerical employees, with no community of interest with the production and maintenance employees, and that they cannot therefore properly be included in the production and maintenance unit.

The Employer is engaged at its plant at West Allis, Wisconsin, in the manufacture of internal combustion air-cooled engines. Its production and maintenance employees are currently represented by the Petitioner and its Local 283. Its office employees are unrepresented.

The 17 employees involved in this proceeding include 7 shop clerks, 2 stock clerks, and 8 time clerks. Three of the shop clerks, referred

¹ At the hearing, the Employer moved to dismiss the petition on the ground that the unit sought was inappropriate. For the reasons set forth below, the motion is hereby denied.

² The Petitioner originally requested a separate unit of these employees. At the hearing, however, it stated that it preferred to add them to the established unit.

to as production control clerks, work in an office in the machine shop section of the plant. They maintain coordination between the production control department of the main office and the machine shop, receive all production orders and copies of all receipts of rough material, and make a list of parts to be machined. Approximately 15 percent of their time is spent in the main office or going to and from the main office. Their immediate supervisor also supervises truckers, stock chasers, and various other employees in the production and maintenance unit; he has no jurisdiction over production control employees in the main office. Two shop clerks work in an office on the assembly floor. They maintain coordination with the sales, specifications, and engineering departments, and furnish all necessary information for the building schedule. One of them spends approximately 15 percent of his time, and the other between 25 and 30 percent of his time, in the main office or going to and from the main office, where a desk is reserved for their use. They are under the supervision of the assembly floor foreman. A shop clerk and 2 stock clerks work in an office in the finished stores stockroom. They keep records of material received and disbursed. Their duties occasionally take them to the main office. They are under the supervision of the stockroom foreman, who also supervises stockroom employees in the production and maintenance unit. Occasionally production and maintenance employees substitute for the clerks. A shop clerk, called a traffic dispatcher, works in an office in the shipping department. He contacts trucking companies and railroads to arrange for pickup service. He works closely with the traffic manager in the sales department in the main office, and spends approximately 30 percent of his time between the 2 offices. He is under the supervision of the shipping room foreman, who also supervises hourly paid shipping office clerks and other shipping department employees in the production and maintenance unit.

The eight timekeepers are part of the payroll department. Six of them work in the machine shop area of the plant; the other two work in the main office. They compute hours and rates for the employees. They are supervised by a supervisor in the payroll department, who is under the office manager. There is some interchange of personnel between the time clerks and other salaried clerks in the payroll department.

These 17 employees, like employees in the Employer's main office, and unlike the production and maintenance employees, are paid on a salary basis; furthermore, they share with other salaried employees certain rights and privileges different from those accorded to the production and maintenance employees.³ The Employer contends that, because of these circumstances and the similarity between the work

³ The differences involve such matters as hours of work, overtime pay, pensions, sick benefits, Christmas bonuses, vacation rights, access to the main office, use of parking lots, and recreational programs.

of this group and that done in the main office, they should be classified as office clericals.⁴ The shop clerks and stock clerks, however, all work in production areas of the plant, in close proximity to production and maintenance employees, and under the same immediate supervision. We therefore find that they are plant clericals, and that, as such, they have substantial interests in common with the production and maintenance employees. As it is the policy of the Board to group plant clericals with production and maintenance employees for collective bargaining purposes,⁵ we shall accord these employees an opportunity through an election to express their desires as to whether or not they should be added to the established production and maintenance unit represented by the Petitioner.⁶

The time clerks, on the other hand, partake more of the nature of office clericals. Two of them actually work in the main office; and all of them are interchangeable with other employees in the payroll department. We believe, therefore, that they are more closely allied in interest with the office employees than with the production and maintenance employees. We shall therefore exclude them from the voting group.⁷

Accordingly, we shall direct an election in the following voting group:

All plant clericals employed at the Employer's plant at West Allis, Wisconsin, including shop clerks (production control clerks) in the machine shop, shop clerks on the assembly floor, the shop clerk and stock clerks in the stockroom, and the shop clerk (traffic dispatcher) in the shipping department, but excluding time clerks and all supervisors as defined in the Act.

If a majority of the employees in the above voting group vote for the Petitioner, they will be taken to have indicated their desire to be included in the production and maintenance unit currently represented by the Petitioner, and the Regional Director shall issue a certificate of results of election to such effect.

5. At the hearing, the Petitioner requested that eligibility to vote be determined as of the date of the hearing. As there appears to be no reason for departing from the Board's usual practice in this respect, we shall adhere to the usual provision for determining eligibility.⁸

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

⁴ The Employer asserts that in a prior representation proceeding (Case No. 13-RC-1453), the Board recognized that these employees were office clericals. That case, however, involved a consent election in an agreed unit of office employees. The Board, therefore, had no evidence before it as to the duties of the employees involved, and made no findings as to their status.

⁵ *Waterous Company*, 92 NLRB 76.

⁶ *Foster Wheeler Corporation*, 94 NLRB 211.

⁷ *United States Gypsum Company*, 92 NLRB 18.

⁸ *American Shuffleboard Company*, 85 NLRB 51.