

White Motor Corporation and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and its Local 32, AFL-CIO, Petitioner. Case 8-UC-8.

May 2, 1967

DECISION AND ORDER

BY CHAIRMAN McCULLOCH AND MEMBERS BROWN AND JENKINS

Upon a petition for clarification duly filed under Section 9(b) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Frank Motil, of the National Labor Relations Board. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. Briefs were filed by the Petitioner and the Employer.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel.

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

1. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.

2. The Petitioner is a labor organization claiming to represent certain employees of the Employer.

3. The Petitioner has moved to add approximately 12 office clerical employees at the Employer's new general corporate offices, located in a downtown Cleveland building, to an existing unit of production, maintenance, and office clerical employees which it represents at the Employer's White Truck Division. The Petitioner asserts that the employees it seeks to add are an accretion to the existing unit.

The White Truck Division is in Cleveland. It occupies a three-block area from 76th to 79th Streets on the city's east side. Its manufacturing facilities enclose on three flanks a six-story building which now houses the office personnel of the division. Until January 1965 the building was also the site of the Employer's general corporate offices. At that time, however, the Employer moved these offices to Erieview Towers, a large office building in Cleveland's central business district, between 3 and 4 miles from the East 79th Street plants.

Since 1936, the White Truck Division has recognized the Petitioner as collective-bargaining representative of its production, maintenance, and office clerical employees. Although the existing unit embraces production and maintenance employees

as well as office clericals, the parties have always negotiated separate agreements for the latter group. All the contracts covering office clerical employees which the parties have negotiated since 1961 are between the Petitioner and the "White Truck Division of the White Motor Company,"¹ and refer to the unit as existing "in the Cleveland Plants." Additional agreements embodying pension and supplemental unemployment benefit plans have also designated the Petitioner and the White Truck Division as the contracting parties and cover only the Petitioner's unit employees at the East 79th Street plant complex.

Over the last 14 years the Employer has expanded and diversified its business. Until 1953 it was primarily a manufacturer of heavy-duty trucks in the Cleveland area. Since then, however, it has acquired truck manufacturing facilities at Exton, Pennsylvania; Chicago, Illinois; and Lansing, Michigan; and has purchased the farm equipment interests of Oliver Corporation, Minneapolis-Moline, and Cockshutt Farm Equipment Company. As a result of its purchases in the farm equipment field, the Employer now also operates plants at Charles City, Iowa; South Bend and Shelbyville, Indiana; Brantford, Ontario; and Hopkins, Minnesota. In 1965, the Employer turned to the production of large industrial engines. It presently operates a factory for this purpose in Springfield, Ohio. Paralleling this overall growth has been the development of the Employer's White Truck Division. At this time, the Division employs over 6,000 persons, 4,000 of whom work in its Cleveland plants. Eight hundred of the latter are assigned to clerical tasks in the Division's headquarters at East 79th Street, Cleveland.

Responding to the expansion described above, the Employer, as indicated previously, in January 1965 transferred its general offices, which had been within the East 79th Street plant complex, to Erieview Towers. On two floors of this multistoried office building, the Employer's corporate staff provides consultative and supervisory services for all operating divisions of the company, including the White Truck Division at East 79th Street. The work at Erieview is specialized by task and embraces, *inter alia*, personnel, marketing, legal, and engineering functions.

None of the employees who moved to the Erieview offices were bargaining unit personnel. The group consisted of high-ranking executives and their administrative staffs. After the transfer, the Employer created a number of new executive positions at Erieview and organized, at the same location, a subsidiary, White Motor International, to handle the export activities of the company. The office clerical employees claimed by Petitioner have

¹ At the hearing the parties stipulated that the White Motor Corporation is the proper name for the White Motor Company

The White Truck Division is one of the former's operating divisions

been hired by the Employer since its move to Erieview.² Some of them perform job duties in the Employer's general offices, others work for the new subsidiary, White Motor International. There has been no transfer of office clerical employees from Erieview to the East 79th plant complex.

The working conditions of the Erieview office clericals are significantly different from those of the office clericals at the East 79th Street site. Hiring and supervision are separate, as is the maintenance of personnel records. The salary rate ranges for those clerical job classifications common to both Erieview and East 79th Street differ. For the classifications involved herein the starting salary is higher at the East 79th Street complex but, except for the position of receptionist, Erieview clerical personnel can attain, ultimately, higher salaries. At Erieview, salary adjustments are made after a job performance evaluation, whereas at East 79th Street the adjustments are automatic as well as on merit. At Erieview, office clerical employees are paid by the month, at East 79th Street they are paid bimonthly. Overtime begins after 37-1/2 hours at Erieview, and after 40 hours at East 79th Street. With respect to such important fringe benefits as holidays, group insurance, pension programs,

severance pay, and educational assistance, there exist substantial differences between the two locations either as to the extent of the benefit provided, or the way in which the benefit or the plan of which it is a part is administered.

In light of all the foregoing facts, and bearing in mind particularly that: the downtown location is geographically separated from the East 79th Street site;³ the move to the new location involved no transfer of unit personnel from 79th Street; there has been no subsequent interchange of office clericals between the two locations; the Erieview office serves a broader function than the office at East 79th Street in that it provides staff services for the entire corporation;⁴ and there are substantial differences between the working conditions⁵ of office employees at the two locations, we find that the Erieview office clericals are not an accretion to the unit existing at the East 79th Street site. Accordingly, we shall dismiss the petition.

ORDER

It is hereby ordered that the petition to clarify the unit be, and it hereby is, dismissed.

² The office clericals at Erieview occupy the following positions: bookkeeper, financial planning clerk, bookkeeping machine operator, receptionist, office services representative, comptometer operator, mail clerk, expeditor, stenographer, clerk-typist, and documentation clerk

³ *Youngstown Sheet & Tube Co*, 132 NLRB 682

⁴ *Swift & Company*, 119 NLRB 1556

⁵ *Comptometer Corporation*, 135 NLRB 74, see also *Houck Transport Company*, 130 NLRB 270, 271; *Food Fair Stores, Inc*, 138 NLRB 1, 4, *Pullman Industries, Inc.*, 159 NLRB 580.