

Chrysler Corporation (Airtemp Division) and International Union of Electrical, Radio and Machine Workers, AFL-CIO-CLC and its Professional, Technical and Salaried Conference Board, Local 758, Petitioner. Cases 9-UC-52, 9-RC-8851, 9-RC-8852, 9-RC-8853, and 9-RC-8854

November 12, 1971

**SUPPLEMENTAL DECISION AND
DIRECTION OF ELECTION**

**BY CHAIRMAN MILLER AND MEMBERS
FANNING AND KENNEDY**

On August 27, 1971, the National Labor Relations Board issued a Decision, Order, and Direction of Election¹ in this proceeding. On September 10, 1971, the Petitioner filed a Motion for Reconsideration, requesting that the Board direct a self-determination election for a single clerical employee to determine whether she wishes to be included in the existing unit of salaried office clerical employees. The Employer filed a memorandum in opposition to the Motion for Reconsideration.

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 consideration of the Motion for Reconsideration, the memorandum filed by the Employer, and the entire record in these cases, including the briefs heretofore filed, the Board hereby grants the Petitioner's Motion for Reconsideration.

In its original Decision, the Board dismissed the petition filed in Case 9-RC-8854, in which the Petitioner sought a unit of all clerical employees in the industrial engineering department at the Employer's

Dayton facilities. The Board found that the proposed unit could not be appropriate as it would include but one employee. The Board further found that the employee in question did not possess a sufficient community of interest with the industrial engineers to be included with them in a departmental unit. However, the Board did not decide whether this employee could be included in the existing office clerical unit represented by the Petitioner.²

The employee in question, the machine operator B, performs general typing and filing duties. Her working hours, lunch hour, and fringe benefits are the same as those of employees in the existing office clerical unit, which includes employees with similar job classifications. There is no evidence that she acts in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations. We therefore find that she may be represented as part of the existing office clerical unit if she so desires. Accordingly, we shall direct that an election be held³ to determine whether the machine operator B desires to be represented by the Petitioner for the purpose of collective bargaining.⁴ If she votes for the Petitioner, she will be taken to have indicated her desire to be included in the office clerical unit currently represented by the Petitioner and will be deemed to be part of such unit. If she does not vote for the Petitioner, she will remain unrepresented.

In accordance with the foregoing, we shall direct an election in the following voting group:

All office clerical employees in the industrial engineering department at the Employer's Dayton, Ohio, facilities, but excluding secretaries to managers, guards, and supervisors as defined in the Act, and all other employees.

[Direction of Election⁵ omitted from publication.]

Company, 106 NLRB 798 (editorial room employee); *Arcade Manufacturing Division of Rockwell Manufacturing Company*, 96 NLRB 116, 117-118 (plant clerical employee).

⁵ In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear Inc.*, 156 NLRB 1236; *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759. Accordingly, it is hereby directed that an election eligibility list, containing the names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 9 within 7 days of the date of this Supplemental Decision and Direction of Election. The Regional Director shall make the list available to all parties to the election. No extension of time to file this list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

¹ 192 NLRB No. 177.

² In Case 9-RC-4160 (not published in NLRB volumes), the Petitioner was certified as the bargaining representative for a unit of all salaried office clerical employees at the Employer's Dayton facilities. All employees in the industrial engineering department were specifically excluded from this unit.

³ The petition in Case 9-RC-8854 is hereby reinstated for the purpose of directing the instant election.

⁴ The Employer has questioned the adequacy of the Petitioner's showing of interest for this employee. It is well settled that the sufficiency of the showing of interest is an administrative matter not subject to litigation. *O. D. Jennings & Company*, 68 NLRB 516. We are administratively satisfied that the Petitioner's showing of interest is adequate.

We reject the Employer's contention that an election cannot be directed because the voting group in question does not contain a substantial number of employees. We have directed self-determination elections in a number of cases to determine whether one employee wished to be included in an existing unit. E.g., *Armour & Company, d/b/a Memphis Cotton Oil Mill*, 115 NLRB 515, 517-518 (maintenance employee); *The Enterprise*