

In the Matter of SPICER MANUFACTURING CORPORATION and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL #12 (UAW-CIO)

*Case No. 8-R-1286.—Decided April 24, 1944*

*Marshall, Melhorn, Wall & Bloch, by Messrs. Arnold F. Bunge and Lloyd S. Haney, of Toledo, Ohio, for the Company.*

*Edward Lamb, by Mr. David A. Guberman, of Toledo, Ohio, and Messrs. Thomas H. Burke and Scott G. Rogers, both of Toledo, Ohio, for the Union.*

*Mr. David V. Easton, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon a second amended petition duly filed by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, Local #12 (UAW-CIO), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Spicer Manufacturing Corporation, Toledo, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Earl S. Bellman, Trial Examiner. Said hearing was held at Toledo, Ohio, on January 11, 12, 13, 14, and 15, 1944. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. At the hearing the Company moved for a dismissal of the petition on the ground that the unit sought by the Union was inappropriate. The Trial Examiner referred the motion to the Board. For reasons stated in Section IV, *infra*, the motion is denied. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board. Subsequent to the hearing the Company made a request for oral argument before the Board. The request was denied.

Upon the entire record in the case, the Board makes the following:

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

Spicer Manufacturing Company is a Virginia corporation with its principal office located in Toledo, Ohio, where it is engaged in the manufacture of axles, transmissions, and other parts for trucks, tanks, artillery movers, power torpedo boats, armored cars, jeeps, gun operating mechanisms, and other equipment calling for the use of gear transmissions and power trains. It owns and operates in addition to the Toledo plant, here involved, a plant at Hillsdale, Michigan, known as the Hillsdale Steel Products Company; a plant at Pottstown, Pennsylvania, known as Spicer Manufacturing Corporation; a plant at Buffalo, New York, known as General Drop Forge Division; a plant at Reading, Pennsylvania, known as the Parish Pressed Steel Company; a plant at Birmingham, England, known as Hardy-Spicer Company; an affiliate at Merritton, Ontario, Canada, known as Hayes Steel Products Co.; and, prior to the fall of France, a plant in Paris, France, known as Societe Glaenzer-Spicer. Of the principal raw materials used at the Toledo plant during the past 12 months, consisting of steel, iron, bronze, and aluminum metals and parts, valued in excess of \$1,000,000, 85 percent was purchased outside the State of Ohio. The Company's sales at its Toledo plant during the same period exceeded \$2,000,000, of which approximately 85 percent was shipped to points outside the State of Ohio.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATION INVOLVED

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, Local #12, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

#### III. THE QUESTION CONCERNING REPRESENTATION

On or about September 12, 1943, the Union requested bargaining rights from the Company with respect to substantially those employees in the unit set forth in its petition. The Company, through its director of industrial relations, took the position that it did not desire to bargain collectively with respect to these employees at that time, and would prefer to have the matter decided by the Board. The Company further questioned the appropriateness of the unit sought.

A statement of a Board Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit alleged to be appropriate.<sup>1</sup>

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

#### IV. THE APPROPRIATE UNITS

The Union, currently representing the Company's production and maintenance employees in its Toledo plant, now seeks a composite unit, comprised of office, clerical, technical and professional employees in that plant engaged in departments 66 (shop process production records), 67 (tool design engineering), 68 (metallurgical and chemical laboratory), 69 (plant engineering), 70 (drafting room), 71 (time-study and estimate), 74 (experimental), 76 (process control), 77 (schedule), 78 (employment), 78-4 (rationing section of employment department), 80 (superintendent office clerical), 86 (purchasing), 87 (accounting), 88 (sales and service), 89 (engineering), 90 (telephone and telegraph), and the plant clericals listed in Appendix A, excluding the employees in Appendix B, who the parties agree are employed in a confidential, managerial, or supervisory capacity. The Company agrees that employees in departments 66, 71, 76, 77, 78-4, 80, 86 and 88, other than those listed in Appendix B, together with the employees listed in Appendix A, may properly be included within

<sup>1</sup> The Field Examiner reported that the Union submitted 208 designations of which 172 bore the names of persons listed upon the Company's pay roll of November 21, 1943; he further reported that said pay roll contained the names of 508 employees in the unit proposed by the Union.

The report of the Field Examiner contained the following chart indicating the showing of representation made by the Union in the individual departments which it seeks to include within its proposed unit.

Department	Number on pay roll	Union designations	
		Submitted	On pay roll
66—Shop process production records.....	29	27	22
67—Tool design engineering.....	81	67	60
68—Metallurgical and chemical laboratory.....	8	3	2
69—Plant engineering.....	7	6	6
70—Drafting room.....	41	1	1
71—Time-study and estimate.....	46	14	8
74—Experimental.....	7	0	0
76—Process control.....	13	11	7
77—Schedule.....	37	28	21
78—Employment.....	21	3	3
80—Superintendent office clerical.....	20	14	12
86—Purchasing.....	44	20	25
87—Accounting.....	95	2	2
88—Sales and service.....	47	3	3
89—Engineering.....	7	0	0
90—Telephone and telegraph.....	5	0	0

In addition, there are 31 plant clericals, not listed above, as well as 3 non-supervisory employees in department 78-4 (rationing section of employment department). The Company does not dispute the contention of the Union that it represents 28 of the plant clericals.

a clerical unit. It further agrees that certain employees in departments 67, 70, and 89, listed in Appendix C, may also be included within such a unit. However, it contends that those employees in departments 67, 68, 69, 70, 74, 78, 87, and 90, not otherwise agreed upon, should be excluded from any collective bargaining unit on the ground that they exercise confidential, managerial, or supervisory functions. It urges further that, in the event the Board refuses to sustain this contention, professional and technical employees should be represented in a unit separate from office and clerical employees.

We do not entirely agree with the first contention of the Company. An examination of the record convinces us that many of the classifications of employees alleged by the Company to occupy supervisory, managerial, or confidential capacities do not perform functions warranting their exclusion from a collective bargaining unit. On the other hand, we are in accord with its alternative contention. Although we have included technical and professional employees within a unit containing office and clerical workers, absent contentions to the contrary,<sup>2</sup> we have frequently had occasion to recognize the difference in interests, backgrounds, and functions between the two groups, and our general policy has been to place the employees in these groups in separate units,<sup>3</sup> unless the parties themselves raise no objection to their inclusion within a single unit. In view of the objection by the Company to the inclusion of technical and professional workers within the same unit as clerical employees, we shall adhere to our customary practice, finding that the interests of the employees involved herein can best be served by representation within separate units, one consisting of office and clerical employees, and the other of technical and professional workers.

In the office and clerical unit we shall include all employees listed in Appendix A and Appendix C, as well as employees in departments 66, 71, 76, 77, 78-4, 80, 86, and 88, other than those listed in Appendix B, or persons at present performing their duties. We shall discuss the individuals and categories of workers in dispute from the viewpoint of their inclusion within or exclusion from any bargaining unit. In the event we find them not to occupy a supervisory, managerial, or confidential status, we shall discuss their inclusion within either the professional and technical unit or the office and clerical unit hereinafter found to be appropriate. For the purposes of convenience we shall list on Appendix D all employees or categories of employees hereinafter found to be properly included within the technical and professional unit; similarly, we shall list on Appendix E all employees or

<sup>2</sup> *Matter of Consolidated Vultee Aircraft Corporation (San Diego Division)*, 54 N. L. R. B. 123

<sup>3</sup> *Matter of Oliver Farm Equipment Company*, 53 N. L. R. B. 1078; *Matter of Boston Edison Company*, 51 N. L. R. B. 118

categories of employees hereinafter found to be properly included within the office and clerical unit.

### GROUP I

The Company contends that the employees in the departments in this Group, excepting those listed on Appendix C, should be excluded from any unit on the ground that they exercise managerial if not supervisory functions; and that, in any event, they should not be included within the same unit as clerical employees.

#### 1. Department 67 (Tool Design Engineering)

This department is concerned with creating, planning, and arranging the necessary tools, machinery, and supplies needed for the production of a product; it is further concerned and is responsible for the proper operation of these tools and machines. In connection with this objective the department performs estimating, purchasing, expediting, statistical, and salvaging operations with respect to tools, and also controls the financial credits given to the production departments under the group incentive plan of the Company. This department also obtains priorities and purchases machine tools for the Hillsdale and Pottstown plants of the Company. The department is composed of several closely related sections, each dealing with a particular phase of the tool engineering process as conceived by the Company. Thus, it is divided into the following sections, each performing a specific number of functions: transmission, joint tool, axle, estimating, tool purchase, perishable tools, statistics and accounting, machinery, and sample and experimental. Many of the sections are further subdivided into smaller groups. The department, as a whole, is a somewhat fluid organization with a well integrated staff.

The department's work commences with an inquiry from the sales department (department 88), regarding the possibility of producing a particular item. Department 67 immediately communicates with the production engineering department (department 89), which prepares lay-outs and specifications of the actual product. These are turned over to the estimating engineers in department 67, who prepare rough lay-outs of the methods to be used in producing the item and make estimates as to the probable cost of tools and the number of hours of machine time necessary to produce it. Department 67 also consults the time-study department (department 71), in order to obtain an estimate of probable labor costs in the production of the item. These estimates are turned over to the sales department which then quotes a price to the customer. If the sale is consummated, the sales department so advises the production engineering department which finishes the designs of the product. The finished designs are turned over to

the tool engineering section of department 67 which then determines the tools and the methods by which the product can be made. If new type tools are needed, the tool purchasing section of the department requests the tool design department (department 72) for designs of these tools. After the tools are designed, the tool engineering section checks them and thereafter the tool purchasing section obtains them either through outside sources or from within the Company itself. Machinery for the tools is also purchased by the tool purchasing section. After the machines have been delivered and checked, department 67 issues orders for their installation. Tool development men in the tool engineering section of department 67 direct the first set-up of the tools and machinery. The statistical section of department 67 is kept fully informed of all operations of the department relating to the tool engineering necessary for the production of the item, and keeps a record of the expenses incurred in this phase of its production.

*Transmission Section.* This section, headed by the chief transmission engineer, Peters,<sup>4</sup> is concerned with the tool engineering of transmissions. It is subdivided into smaller groups consisting of tool engineers, tool process or "write-up" men, and tool development men or "trouble shooters," under the supervision of tool engineer supervisors. Some of these groups may have stenographers assigned to them.

(a) *Tool engineers (Tool Engineer Supervisors).* These seven employees are highly skilled technicians in charge of the tooling for a particular production purpose. Thus, one of them supervises tool engineering for gears, a second for heat treat, welding and assembly, another for clutches and bearings, and so forth. Most of them have immediate, and usually ultimate responsibility for the group whose work they direct. Each has authority to validate pay and time cards and some have effectively recommended discharge. They have final authority with respect to techniques used in the production department with regard to their respective fields, and for this reason, the Company considers them as exercising managerial as well as supervisory functions. In view of the foregoing facts, we shall exclude Marvin, Ostrosky, Sivits, Perry, Hensler, Poland, and Kiehne, or persons presently performing their duties, from any collective bargaining unit on the dual ground that they are both supervisory and managerial employees.

(b) *Tool engineers.* These employees (eight in number, excluding those in group (a), *supra*), are also highly skilled employees. The functions of all tool engineers, both supervisory and non-supervisory, are to visualize and plan all steps necessary for the production of parts and assemblies, design the necessary tools and their manufac-

<sup>4</sup> Excluded by agreement and listed on Appendix B.

ture, and plan the use of these tools. The tool engineers receive approximately \$82 to \$92 per week. The record discloses that tool engineers are comparable in skill to tool checkers in department 72 who are currently represented by the Union as part of the production and maintenance unit. The tool engineers, other than the tool engineer supervisors in Section (a), *supra*, do not have the authority to hire, discharge, or discipline other employees, or to make effective recommendations affecting their status. We shall include the non-supervisory tool engineers within the technical and professional unit.

(c) *Process or "write-up" men.* These employees, numbering between 12 and 15, are slightly less skilled technicians than tool engineers who write up tooling operations and plan tooling processes. They receive approximately \$65 to \$75 per week. There is no indication in the record that these employees perform supervisory functions within the meaning of our customary definition, and we shall, therefore, include these employees within the technical and professional unit.

(d) *Tool development men or "trouble shooters."* These 8 to 10 employees work out the actual application of the tools after they have been received. They are the connecting link between the tool engineers and the process men on the one hand, and the floor men from the toolroom (set-up men) and the production departments on the other. They supervise the original set-up of the tools and machines, and calculate the rate of production from the viewpoint of mechanical efficiency. These employees work in close coordination with the time-study engineers who make their calculations from the viewpoint of human efficiency. Differences in calculations between the 2 groups are settled by the head of department 67. They issue instructions to set-up men with respect to the proper technique of operating the machines and tools, and have final authority on the floor in this regard pending settlement of any dispute with either time-study employees, production personnel, or the union steward with whom they may come in contact. Their salaries range from \$60 to \$70 a week. They do not, however, possess authority to discipline, or effect changes in the status of employees, but can only report to their immediate supervisor any refusal to follow their instructions. We are of the opinion that the tool development men are neither supervisory nor managerial employees. Accordingly, we shall include them within the technical and professional unit.

(e) *Stenographers.* The stenographers assigned to these tool engineering groups appear to perform the duties usually performed by such employees. The record does not disclose whether or not these employees are among those in department 67 whom both parties agreed to include within a unit containing clerical employees. We shall

therefore specifically provide for their inclusion within the office and clerical unit.

*Joint Tool Section.* This section is under the supervision of the chief joint tool engineer, Kayser,<sup>5</sup> and his assistant, Riopelle. Riopelle has authority to validate time cards and takes Kayser's place during his absence. It appears from the record that Riopelle occupies a position similar to those occupied by the tool engineer supervisors, and accordingly, we shall exclude Riopelle, or any person now occupying his position, from any unit.

*Estimating Section.* This section, under Maier,<sup>6</sup> prepares the initial tooling and equipment estimates. This work requires a visualization of the completed product, entailing a mechanical knowledge similar to that possessed by the tool engineers. The section is composed of two estimating engineers who receive \$75 or \$80 per week, and Maier, the estimating engineer supervisor. Since the record reveals no evidence that estimating engineers act in a supervisory capacity, and does not indicate that they control the techniques used in other departments, we are of the opinion that they are neither managerial nor supervisory employees. Accordingly, we shall include them within the technical and professional unit.

*Tool Purchasing Section.* This section, under Hage,<sup>7</sup> functions as a purchasing group for department 67. It is composed of four expeditors who receive between \$60 and \$65 per week, and a group of ordinary clerical employees who both parties agree should be included within a unit containing clerical employees.

The expeditors contact vendors, place orders, keep records of their progress on deliveries, and have authority to reassign orders, if, in their judgment, the tool delivery schedule can be expedited in this manner. One of the expeditors, Hussey, acts as assistant to Hage, and takes his place in his absence. We are of the opinion that the authority possessed by these employees to exercise their discretion in making commitments on behalf of the Company stamps them as managerial. Accordingly, we shall exclude all expeditors in this section from any unit.<sup>8</sup>

We shall include the clerical employees of this section, if they are not already listed on Appendix C, within the office and clerical unit.

*Perishable Tools Section.* This section, under the supervision of Clapp,<sup>9</sup> is composed of two groups: one, under Beard, which is concerned with the salvaging of tools, and the other, under Booth, which is concerned with the inventory of small tools. Both Beard and Booth

<sup>5</sup> Excluded by agreement and listed on Appendix B.

<sup>6</sup> Excluded by agreement and listed on Appendix B.

<sup>7</sup> Excluded by agreement and listed on Appendix B.

<sup>8</sup> *Matter of Dravo Corporation*, 54 N. L. R. B. 1174.

<sup>9</sup> Excluded by agreement and listed on Appendix B.

have authority to make purchases for the Company, the former buying cutting tools, and the latter standard or standardized tools.

Under Booth is a group of three stenographers who appear to be ordinary clerical employees. Booth has authority to make recommendations effecting changes in their status.

Beard is in charge of a cutter grinder group, and it may be inferred from the record that he possesses authority over the employees in this group similar to that which Booth possesses over his group. In addition, Beard also has authority to overrule decisions of the tool inspection department with reference to the rejection of tools.

In view of the foregoing, we are of the opinion that Beard and Booth each exercises both managerial and supervisory functions, and we shall exclude them from any unit. We are further of the opinion that the interests of the cutter grinder group under Beard may best be served by their inclusion within the technical and professional unit, and that the interests of the stenographers under Booth may similarly be served by their inclusion within the office and clerical unit.

*Statistics and Accounting Section.* This section, headed by Catchpole,<sup>10</sup> is composed of a group of accountants, clerks, and other office workers who perform the statistical, accounting, and credit allowance work of department 67.

Responsible to Catchpole is an employee named Behrens, who supervises a group of accountants and clerks. He has authority to discipline these employees, and make recommendations affecting their status. He receives \$65 a week. The accountants receive \$55 per week, and the clerks, who are mostly key punch operators, receive \$25 per week. We shall exclude Behrens from any unit since it appears that he is a supervisor within the meaning of our customary definition. We shall, however, include the clerks and accountants under him within the office and clerical unit.

Also responsible to Catchpole is Coughlin, an employee who is concerned with the rate development and time-study work of department 67. Coughlin acts as liaison agent between department 67 and the time-study department (department 71). He receives \$65 per week. In view of his close relationship to time-study work and since his duties have a direct effect upon the operations of another department, we are of the opinion that he is a managerial employee, and shall exclude him from either unit. We shall, however, include his assistant, who is an ordinary clerical employee concerned solely with office and clerical duties, within the office and clerical unit.

The credit allowance work of the department is performed by Patton, who passes upon credits claimed by production departments under the group incentive plan of the Company. Disputes between

<sup>10</sup> Excluded by agreement and listed on Appendix B.

the production departments and Patton with respect to credit allowances are settled by Catchpole, or, if necessary, by the head of department 67. Patton receives \$35 per week, which is about \$10 per week more than any other clerical workers in the department. We are of the opinion that her responsibilities are not such that would warrant depriving her of the benefits of collective bargaining; we shall, therefore, include her within the office and clerical unit.

*Machinery and Equipment Expediting Section.* This section, under Klatt,<sup>11</sup> is charged with the responsibility of issuing application forms and requisitions as well as keeping the property records of the department. It contains a group of stenographers under an employee, Herman, who is responsible to Klatt. Herman has authority to make recommendations affecting the clerical employees under his supervision, and, under these circumstances, we shall exclude him from any unit. We shall, however, include the stenographers within the office and clerical unit.

*Sample and Experimental Section.* This section consists of two skilled tool making employees under the supervision of Burgess. It is responsible for the procurement of materials, the planning of operations, and the expediting of work for experimental and sample products. Burgess, in addition to exercising supervisory authority over the craftsmen in the section, also has authority to issue instructions to production foremen as well as discretionary power to make purchases in furtherance of this work. In view of the foregoing, we shall exclude Burgess from any unit, finding him to exercise both supervisory and managerial functions. The two assistants, although highly skilled artisans, do not possess final responsibility for the acts of the section; accordingly, we shall include them within the professional and technical unit.

## 2. Department 69 (Plant Engineering)

This department performs the same functions with respect to buildings and fixed equipment of the Company that department 67 performs with respect to tools. The employees in department 69 are responsible for the location of machinery and for making plant layouts for the Toledo, Pottstown, and Hillsdale, plants. The department is composed of approximately seven employees consisting of one supervisor, Kallaher,<sup>12</sup> and a group of technical employees, all of whom, according to the Company, perform managerial functions. The department issues purchase orders for building materials, lets building contracts, and oversees the work performed by the building maintenance employees when they are working on projects of this

<sup>11</sup> Excluded by agreement and listed on Appendix B.

<sup>12</sup> Excluded by agreement and listed on Appendix B.

department. All building installations are made under the direction of these employees; the plans for new building units are drawn by them; and it appears that the employees in this department are also responsible for emergency installations, although large installations are usually performed by outside contractors. Many of these employees spend much of their time outside the plant, performing work at other plants of the Company. All are required to have a good working knowledge of mechanical handling systems, building construction, sanitary engineering, air conditioning, ventilation, water supplies, and electrical distribution. They are paid approximately \$60 to \$65 per week. It does not appear that these employees have authority to discipline workers who may be performing their duties on projects of the department. Under such circumstances we are of the opinion that, with the exception of Kallaher, the remaining employees are merely highly skilled technicians who may properly be represented within a professional and technical unit. We shall, therefore, include them within this unit.

### 3. Department 68 (Metallurgical and Chemical Laboratory)

This department, which is under the direct supervision of the chief engineer,<sup>13</sup> is responsible for the quality of materials used in the Toledo plant. The department contains approximately 22 employees, 4 of whom are conceded supervisory employees.<sup>14</sup> The remaining employees consist of approximately 8 metallurgists and chemists, 7 or 8 girls performing routine tests in the chemical laboratory, and approximately 3 employees who procure samples for analyses. Some of these employees are hourly paid, receiving between \$1 and \$1.20 per hour, and the remaining employees receive salaries ranging between \$65 and \$70 per week. All are technicians, some of them highly skilled. The Company adduced evidence indicating that many of the metallurgists and chemists have authority to stop production in order to correct defects, and for this reason it contends that they should be considered as managerial employees. We do not agree. This authority appears to us to be merely part of the regular duties assigned to these employees and does not involve any managerial direction. Accordingly, we shall include all employees in this department, other than those listed on Appendix B, within the technical and professional unit.

### 4. Department 70 (Product Drafting)

This department prepares designs and prints for the Company's manufactured products. It performs a function for department 89

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<sup>13</sup> Departments 70 (drafting), 74 (experimental), and 89 (engineering), are also under the supervision of the chief engineer.

<sup>14</sup> Listed on Appendix B.

(product engineering) similar to that performed by department 72 (tool designing) for department 67 (tool design engineering). While the employees in department 72 are hourly paid workers, receiving between \$1.60 and \$1.70 per hour, the employees in department 70 are salaried.<sup>15</sup>

The designers in department 70 make the original drawing of the finished product, which is then completed by the detailers and minor lay-out men. After completion, the drawing is sent to the checkers in department 70 for final approval. Specialists in the department deal with designs relating solely to gears and hydraulics. The designers and checkers are highly skilled employees receiving salaries ranging from \$75 to \$90 per week; the detailers and minor lay-out men are less skilled, but similarly trained, employees receiving between \$40 and \$60 per week; and the specialists, also skilled employees, receive \$75 per week. In the absence of evidence indicating that any of these employees exercise either supervisory or managerial duties, we shall include them within the technical and professional unit.

#### 5. Department 74 (Experimental)

This department makes experimental models, conducts tests thereon, and performs a small amount of parts machining for sample products. The employees in the department are divided into 2 groups: one group consists of approximately 10 highly skilled tool makers who are able to devise their own methods of machining, and who receive approximately \$75 per week; and the other consists of approximately 3 expeditors who assist in securing materials needed for the models. In contrast to the tool makers, the expeditors are young men of little prior experience or training who receive approximately \$30 to \$35 per week. Their work appears to be similar to that of the expeditors in department 67, but does not entail any degree of responsibility. Under the circumstances, we shall include the expeditors in this department within the office and clerical unit, and shall include the tool makers of this department within the technical and professional unit.

### GROUP II

The departments in this Group are composed of employees whom the Company desires to have excluded from any unit on the ground that their duties are confidential.

#### 1. Department 78 (Employment)

The employment office consists of one large room, subdivided by partial partitions, and a smaller room. All employment records and

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<sup>15</sup> We note that the employees in department 72 are part of the production and maintenance unit currently represented by the Union herein

files are kept in the large room, and all employees in the department have access to them. Discussions of grievances among the concededly supervisory employees may be held in the presence and hearing of the clerical employees, and in addition, some of the clerical workers may be required to take part in such discussions, thus being placed in a position where they can gain advance knowledge with respect to the disposition of grievances. The clerical employees may also be called upon to interview prospective workers and to fill out applications. Approximately one-half of them may take part in subsequent discussions of, and subsequent or final interviews with, applicants. All clerical employees in the department are interchanged with one another as circumstances demand, and on occasion, they may be called upon to assume the duties of the confidential secretaries, in the latter's absence. We are of the opinion and find that the foregoing facts clearly warrant the exclusion of all employees in this department from the units found appropriate herein.<sup>16</sup>

## 2. Department 87 (Accounting)

This department, containing approximately 100 employees, keeps the general accounts of the Company, and performs some accounting functions for the Hillsdale and Pottstown plants in addition to performing all accounting functions for the Toledo plant.

The record discloses that the department is divided into approximately six sections containing clericals, file clerks, office machine operators, stenographers, and accountants. Their salaries range between \$28 and \$55 per week. Although these employees have access to confidential information relating to the financial condition of the Company, they do not appear to have access to information relating to the Company's personnel or industrial relations policies. Accordingly, we shall include all employees of the accounting department, other than those listed on Appendix B, within the office and clerical unit.<sup>17</sup>

## 3. Department 90 (Telephone and Telegraph)

This department, consisting of approximately six employees, is concerned with the operation of the teletype and telegraph instruments, and the switchboard. Employees in the department handle all mail received by the Company. Some of the employees in this department are trained to act as receptionists. Their salaries range between \$26 and \$32 per week. The Company contends that these employees may have premature access to confidential information,

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<sup>16</sup> *Matter of Chrysler Corporation*, 36 N. L. R. B. 157, at 163; *Matter of General Motors Corporation, Chevrolet Motor Division*, 53 N. L. R. B. 1096.

<sup>17</sup> *Matter of Babcock & Wilcox Company*, 52 N. L. R. B. 900.

and for this reason should be excluded from any unit. It is apparent that these employees do not bear a confidential relationship to management and that their duties are clerical in nature. We do not consider their handling of the Company's mail a sufficient reason to exclude them, and they will be included within the office and clerical unit.

We find the following groups of employees of the Company at its Toledo, Ohio, plant constitute units appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

1. All professional and technical employees, including those listed on Appendix D, or persons now or hereafter performing their functions, but excluding employees listed on Appendix B, or persons now or hereafter performing their duties, Coughlin, or persons now performing his functions, expeditors in the tool purchase section of department 67, any and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action,<sup>18</sup> and all other employees.

2. All office and clerical employees, including all employees in departments 66, 71, 76, 77, 78-4, 80, 86, and 88 (other than those listed on Appendix B) and employees listed on Appendices A, C, and E, as well as persons now or hereafter performing the functions of these employees, but excluding all employees in department 78, all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, and all other employees.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by elections by secret ballot among the employees in the appropriate units who were employed during the payroll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.<sup>19</sup>

#### DIRECTION OF ELECTIONS

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act,

<sup>18</sup> Marvin, Ostrosky, Sivits, Peiry, Hensler, Poland, Kiehne, Riopelle, Beard, Booth, Behrens, Herman, Burgess, or persons presently performing their functions, are among those who come within this category.

<sup>19</sup> At the hearing, the Union evinced some doubt as to whether it wished to participate in any election if the Board were to find more than one unit to be appropriate. We shall place the Union upon the ballots in the elections hereinafter directed, but shall permit it to withdraw from either or both elections, provided it notifies the Regional Director within 5 days from the issuance of the Decision and Direction of Elections herein that it does not desire to appear on the ballot or ballots, as the case may be.

and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, it is hereby

**DIRECTED** that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Spicer Manufacturing Company, Toledo, Ohio, separate elections by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Eighth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the units found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the elections, to determine whether or not they desire to be represented by International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, Local #12 (UAW-CIO), for the purposes of collective bargaining.

**CHAIRMAN MILLIS** took no part in the consideration of the above Decision and Direction of Elections.

#### APPENDIX A

Clarence Patrick	Virginia Gliszinski
Harry Sitzenstock	Helen Czubachowski
Charles Baner	Charles J. Darrah
Marian H. Haase	G. M. Muckenthaler
Mildred Haase	Marianne M. Austin
Donna V. Burt	Alice Holewinski
Robert Butts	Catherine M. Casey
Marine M. Dederman	Mary K. McDevitt
Loretta Casey	Ruth E. Carver
Betty J. Heinemann	Edna Montrie
Mary M. Boettcher	John May
Dorothy L. Spitler	Ruth E. Bernard
Mary E. Pederi	Rita H. Wernert
Irene Holewinski	Marjorie M. Diehl
Violet Haley	Zeta M. Wells
Ruth Beemer	

## APPENDIX B

*Exclusions*

## Department 66—Supervisors:

W. Walter	W. Leonard
C. Jefferies	

## Department 67—Supervisors:

R. Haynes	John Kayser*
J. P. Brown	Sherm Peters*
A. Ehrhardt	Harry Maier*
V. Kessler	L. Hage
R. E. Catchpole	Private Secretaries:
Walter Klatt	M: Wellmon
Ray Clapp	C. Wittman
Ray Burrows*	Joyce Parr

## Department 68—Supervisors:

S. L. Widrig	S. Free
K. Yeager	M. Cooley

## Department 69—Supervisor: Michael Kallaher

## Department 70—Supervisors:

C. D. Peterson	D. Feldman
E. J. Barth	G. Reed

## Department 71—Supervisors:

E. Doud	D. Yokum
C. Hewell	H. Sutton
M. Deter	

## Estimators:

F. Carter	C. Wolfert
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## Time-study Men:

T. Fielding	M. Roth
C. Fisher	C. Kimberly
L. Carbon	E. Nellis
F. Craver	G. Smith
R. Royt	L. Muckenthaler

## Department 74—Supervisors:

G. L. Tarbox	W. Kmosko
J. Boyd	Outside Engineer: G. Rusco

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\*The Union agreed in its brief that these employees are supervisors.

## Department 76—Supervisors:

J. Tuttle  
A. Perkins  
G. DeMars

R. Swan  
Private Secretary:  
B. J. Gwynne

## Department 77—Supervisors:

J. Kennedy  
D. Wishart  
J. Haverman

F. Leonard  
R. Oess

## Department 78—Supervisors:

L. J. Haney  
C. Earley  
E. Buechele  
C. Briggs  
W. O'Loughlin

A. Gilman  
Private Secretaries:  
M. Leafgreen  
A. Harron  
Mary Brown

## Department 78-4—Supervisor:

N. McClure

## Department 80—Supervisors:

T. McGannon  
W. Pratt

Private Secretaries:  
C. Schrein  
M. Phillips

## Department 86—Supervisors:

E. C. Sudhoff  
J. S. Henry  
A. Diana  
J. E. McMillen  
C. O. Carlson  
R. R. Britton

R. Kaiser  
Outside Expeditors:  
G. Bishop  
P. M. Emerick  
Private Secretary:  
G. Lockhard

## Department 87—Supervisors:

L. Mellick  
E. Kreckler  
C. Erkert  
L. Rosenberger  
A. Bing  
C. Roach  
B. Bogart  
M. Bogart  
E. Muir  
E. Trembley  
F. Conway  
A. Ingwerson  
J. Behm  
F. Kromer  
M. Greenburg

K. Thomas  
V. Anderson  
E. Wrobel  
W. Malone  
I. Hoard  
H. Nunnold  
J. Vance  
F. Pimblett  
Private Secretaries:  
E. Williams  
N. St. Peter  
M. Kaighin  
Confidential Employees:  
M. Comstock  
M. Williams

## Department 88—Supervisors:

W. Fairhurst  
 J. E. Brody  
 M. L. Stone  
 W. H. Hand  
 D. D. Robertson  
 C. O. Mingue  
 D. Kalish  
 S. DuPree  
 P. Cira  
 W. Morcom  
 H. Pfund

Sales Engineers:  
 R. V. Hessler  
 E. S. Nottingham  
 E. A. Brown  
 Advertising man: T. Souder  
 Private Secretaries:  
 B. Eisenberg  
 A. Frome  
 E. Andrews  
 F. Gaynier  
 W. Kemmer

## Department 89—Engineers:

J. W. S. Pearce  
 E. F. Kukens  
 A. Diemel  
 R. Burkhalter  
 R. P. Lewis  
 C. Stumhofer

S. George  
 A. Kindberg  
 Supervisor: R. Adams  
 Private Secretaries:  
 B. Sheets  
 E. Chiverton

## APPENDIX C

## Department 67

P. Smith  
 L. Desmond  
 V. Wagener  
 J. Spargos  
 T. Ryan  
 T. Williams  
 L. Steger  
 J. Smith  
 M. Otley  
 V. Gfell  
 C. Fraker

J. Velliquette  
 A. Roberts  
 G. Arvanitis  
 E. Semmler  
 F. Sarebura  
 E. Fuchs  
 B. Kozlowski  
 G. Ferguson  
 Raymond Myrice  
 Harold K. McJilton  
 Katherine G. Kruse

Rita M. Kaiser  
 Josephine D. Geck  
 Helen L. Mercurio  
 Kenneth D. Fryman  
 Glenn A. Loomis  
 Opal I. Duncan  
 Frank E. Huber  
 Irene M. Murlin  
 Dyann M. Bushmann  
 Harold R. Jenks

## Department 70

B. M. Strobel  
 Madeline E. Sheehan  
 Ralph F. Miller  
 Roy R. Penge

Elda Viets  
 Dorothea A. Baird  
 Virginia M. Ladig  
 L. Goff

E. Richardson  
 R. Gloyd

## Department 89

Barbara K. Widrig  
 Evelyn S. Dirr

Marian H. Beam  
 Lucy S. Bryan

Lucille M. Kirk

## APPENDIX D

## Department 67

Non-supervisory tool engineers.

Process or "write-up" men.

Tool development men or "trouble shooters."

Estimating engineers in the Estimating Section.

Cutter grinder group in the Perishable Tools section under the supervision of Board.

Tool making assistants to Burgess in the Sample and Experimental Section.

## Department 68

All employees other than those listed on Appendix B.

## Department 69

All employees other than those listed on Appendix B.

## Department 70

All employees other than those listed on Appendices B and C.

## Department 74

Toolmakers under Tarbox and Boyd.

## APPENDIX E

## Department 67

Stenographic and clerical employees attached to the Transmission section of the department not already listed on Appendix C.

Stenographic and clerical employees attached to the Tool Purchase section of the department not already listed on Appendix C.

Stenographic and clerical employees under Booth in the Perishable Tools section of the department not already listed on Appendix C.

Accountants, and stenographic and clerical employees under Behrens in the Statistics and Accounting section of the department not listed already on Appendix C.

Assistant to Coughlin in the Statistics and Accounting section of the department, if not listed already on Appendix C.

Patton.

Stenographic and clerical employees under Herman in the Machinery and Equipment Expediting section of the department not listed already on Appendix C.

Department 74

Expeditors.

Department 87

All employees excluding those listed on Appendix B.

Department 90

All employees.