

**The Concord Telephone Company and Communication Workers of America, AFL-CIO, Petitioner. Case 11-RC-4735**

March 10, 1980

**DECISION ON REVIEW AND  
DIRECTION OF ELECTION**

**BY CHAIRMAN FANNING AND MEMBERS  
JENKINS AND TRUESDALE**

On August 20, 1979, the Regional Director for Region 11 issued his Decision and Direction of Election in the above-entitled proceeding, amended in an order issued on August 24, 1979, in which he found appropriate a systemwide unit including employees in the Employer's plant, traffic, and commercial departments. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Petitioner filed a timely request for review of the Regional Director's decision<sup>1</sup> on the grounds, *inter alia*, that, in making his unit findings, he departed from officially reported Board precedent. The Employer filed a statement in opposition thereto.

The National Labor Relations Board, by telegraphic order dated September 17, 1979, granted the request for review. Thereafter, the Employer filed a brief on review.

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

The Board has considered the entire record in this case with respect to the issues under review, including the Employer's brief on review, and makes the following findings:

The Employer contends that the Regional Director's decision, as amended, finding appropriate a systemwide unit of all employees, should be affirmed, as it is supported by the record evidence and officially reported Board precedent.

The Petitioner, in its request for review, contends that a systemwide unit of Plant department employees, excluding, *inter alia*, employees within the Employer's traffic and commercial departments, is appropriate. There is no bargaining history for the employees involved in this proceeding.

The Employer is an independent telephone company headquartered in Concord, North Carolina, servicing two and a half counties in that State. Ad-

ministratively it lacks districts or divisions. Instead, it maintains the departments traditional in the industry: plant, traffic, and commercial. It operates four personnel-attended and five nonattended exchanges in the area served, the four attended exchanges being Concord, Kannapolis, Albermarle, and China Grove. The distance separating the headquarters office in Concord from the other exchanges varies from 7 to 23 miles.

The *plant department* is responsible for the physical arrangements necessary for providing and maintaining telephone service, including engineering and construction programs, such as rearrangement of equipment necessary to provide service for new customers, installing and repairing telephones, management of property, vehicles, buildings, and supplies, in addition to purchasing and maintaining inventories. Job titles in the plant department include installers, repairmen, cable splicers, non-professional engineers, construction crews, warehousemen, plant clerks, and plant janitors. Much of its work can be described as "field" work. The *traffic department* provides operator services and develops traffic engineering data. Its employees are all located at Concord. The *commercial department* is responsible for customer contacts, billing, payroll, and other accounting functions. Its employees are located at the four offices having attended exchanges. The plant, traffic, and commercial departments employ a total of 284 employees: 147, 95, and 42 employees, respectively. The departments are separately supervised and employees are not interchanged.

While the Board has generally considered that the optimum unit in public utilities is systemwide, it has not required, as the Board said in *Tidewater Telephone*,<sup>2</sup> referred to below, that it be multidepartmental at all times and in all circumstances, particularly where, as here, no labor organization seeks to represent the employees on a more comprehensive basis.<sup>3</sup>

To support his systemwide unit determination, the Regional Director cited examples of interdepartmental contact of employees in performing certain tasks, such as providing PBX service, handling customer billing problems that involve the location

<sup>2</sup> See *Tidewater Telephone Company*, 181 NLRB 867 (1970), where the Board found appropriate a unit "of all employees performing work customarily done by telephone industry plant department employees" systemwide, though the employer had no plant department as such; *Iroquois Telephone Corporation*, 169 NLRB 344 (1968), where the Board found appropriate a unit of plant department employees in a single district of the employer that was an administrative and operational subdivision of the company's New York state operations.

<sup>3</sup> At the hearing, the Petitioner responded affirmatively to the Respondent's question whether the Petitioner would be willing to represent a systemwide unit, if the Board were to find that the only one appropriate. However, it is clear from the Petitioner's request for review that it is seeking to represent only the plant department employees.

<sup>1</sup> On August 29, 1979, the Petitioner filed a request with the Regional Director asking that its request for review also be considered a motion for reconsideration of his Decision and Direction of Election. On September 11, 1979, the Regional Director, after having considered the Petitioner's motion, issued an order adhering to his original decision, as amended August 24, 1979.

of calls by traffic and to some extent assistance by plant employees, and conducting extended area feasibility studies. Also relied on by the Regional Director was the sharing by employees of lounge, restroom, and parking facilities within the exchanges. We find these normal employee contacts insufficient to detract from the functional integration of the plant department itself. Its function is distinct and it is supervised by a construction superintendent, an equipment superintendent, an outside plant engineer, and three local "plant" managers, who supervise the plant employees attached to the Concord, Kannapolis, and Albermarle locations, as well as a vice president in charge of purchasing. In addition, the employee complement here is obviously not so small as to warrant finding only a system-wide unit appropriate.<sup>4</sup>

<sup>4</sup> Compare, for example, *Red Hook Telephone Company*, 168 NLRB 260 (1967), where the total employee complement was only 43, and *Fidel-*

In view of the foregoing, we find that the following employees of the Employer constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time employees of the Employer's plant department, including plant department janitors, plant clerks and non-professional engineers, excluding all traffic employees, commercial employees, office clericals, professional employees, confidential employees, guards and supervisors as defined in the Act.

[Direction of Election and *Excelsior* footnote omitted from publication.]

*ity Telephone Company*, 221 NLRB 1335 (1976), then-Member Fanning dissenting, where the total complement was 58.