

In the Matter of PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE and
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, A. F. OF L.

Case No. 1-R-1559.—Decided September 29, 1943

Mr. Franklin Hollis, of Concord, N. H., for the Company.

Mr. John J. Regan, of Boston, Mass., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition and amended petition duly filed by International Brotherhood of Electrical Workers, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Public Service Company of New Hampshire, Manchester, New Hampshire, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert E. Greene, Trial Examiner. Said hearing was held at Manchester, New Hampshire, on September 10, 1943. 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. During the course of the hearing, counsel for the Company moved to dismiss the petition. The Trial Examiner reserved ruling. The motion is hereby denied. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Public Service Company of New Hampshire is engaged in the business of generating, purchasing, transmitting, distributing, and selling electric energy, gas and steam, and transportation services.

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In its electrical business, the Company services large portions of the State of New Hampshire and some communities in the State of Vermont, the State of Maine, and the Dominion of Canada. The Company's annual sales exceed \$6,000,000. The Company purchases coal and fuel oil valued in excess of \$300,000 annually, all of which is shipped to it from points outside the State of New Hampshire. The Company sells approximately 1 percent of its electric energy to points outside the State of New Hampshire. The Company furnishes the Boston & Maine Railroad, Western Union Telegraph Company, and the New England Telephone & Telegraph Company power for lighting purposes. In addition, the Company has many large industrial customers.

II. THE ORGANIZATION INVOLVED

International Brotherhood of Electrical Workers is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of any of its employees until such time as the Union is certified by the Board.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

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 National Labor Relations Act.

IV. THE APPROPRIATE UNIT

We find, in substantial agreement with a stipulation of the parties, that all employees of the Company at its Manchester Steam Generating plant, the Amoskeag Hydro-Electric plant, and the Kellyes Falls Steam Generating plant, excluding executives, administrative, office and clerical employees, guards, watchmen, 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, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

¹The Regional Director reported that the Union presented 42 authorization cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of August 25, 1943. There are approximately 125 employees in the appropriate unit.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

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, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Public Service Company of New Hampshire, Manchester, New Hampshire, an election 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 First 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 unit 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, to determine whether or not they desire to be represented by International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

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