

In the Matter of PENNSYLVANIA POWER & LIGHT COMPANY and UTILITY  
WORKERS ORGANIZING COMMITTEE, CIO

Case No. 4-R-1267.—Decided February 10, 1944

*Mr. Harvey H. Steckel*, of Allentown, Pa., for the Company.  
*Messrs. Oliver J. Harper* and *Harold J. Straub*, both of New York City, *Mr. Joseph M. Walsh*, of Wilkes-Barre, Pa., and *Mr. Adam Metz*, of Nesquehoning, Pa., for the UWOC.

*Mr. Henry Mayer*, of New York City, and *Mr. John W. Thomas*, of Catasauqua, Pa., for the EIA.

*Mr. William Feldesman*, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon petition duly filed by Utility Workers Organizing Committee, CIO, herein called the UWOC, alleging that a question affecting commerce had arisen concerning the representation of employees of Pennsylvania Power & Light Company, Allentown, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Joseph L. Hektoen, Trial Examiner. Said hearing was held at Allentown, Pennsylvania, on January 5 and 6, 1944. The Company, the UWOC, and Employees Independent Association of Pennsylvania Power & Light Company, herein called the EIA, appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded and availed themselves of the opportunity to file briefs with the Board. Inasmuch as the briefs adequately discuss the issues, all requests for oral argument are denied.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Pennsylvania Power & Light Company is a Pennsylvania corporation having its general offices in Allentown, Pennsylvania. It supplies  
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electrical energy to a large territory located within 28 counties in the eastern portion of the Commonwealth of Pennsylvania, and it also furnishes parts of this territory with manufactured gas and steam heat service. It provides 424,000 customers with electrical energy, 64,000 customers with manufactured gas, and 1,400 customers with steam heat service. The Company's system consists of 16 steam electric power plants, 1 large hydro-electric plant, and 19 smaller hydro-electric plants, all connected by a network of power lines, as well as 30 attended and 40 unattended substations which are fed from these lines. This integrated system is in turn connected with the power lines of public utilities situated in other States, and thus constitutes a link in the chain of power companies servicing all of the United States of America. The Company admits that it is engaged in commerce, within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATIONS INVOLVED

Utility Workers Organizing Committee, affiliated with the Congress of Industrial Organizations, and Employees Independent Association of Pennsylvania Power & Light Company, unaffiliated, are labor organizations admitting to membership employees of the Company.

## III. THE ALLEGED APPROPRIATE UNIT

As alleged in the petition and amplified at the hearing, the UWOC urges that all employees of the Company engaged in the Pottsville Division,<sup>1</sup> including all physical workers and those designated as manual workers, and excluding office, clerical, and supervisory employees, constitute an appropriate unit. However, the Company asserts that the appropriate unit is system-wide, comprised of all employees irrespective of divisional lines, excluding only those in managerial, executive, or administrative positions, and members of their immediate staffs. The position of the EIA is substantially the same as the Company's.

From 1937 to the present, the Company and the EIA have bargained pursuant to the terms of written agreements, which they executed, according the EIA recognition as "the exclusive bargaining agency of all the employees of the Company."<sup>2</sup> Although the UWOC insists that the relations between the Company and the EIA have been conducted, in fact, by Divisions, the record reveals that all matters pertaining to collective bargaining, excepting local issues which have arisen, have been treated by the contracting parties upon a

<sup>1</sup> Pottsville is one of 10 Divisions presently in existence.

<sup>2</sup> These agreements provide that the EIA will neither solicit nor accept as members "persons employed by the Company in managerial, executive or administrative positions, or who are members of the immediate staffs of persons in such positions."

system-wide basis. Moreover, the EIA has actively represented employees in all Divisions, including Pottsville,<sup>3</sup> in its dealings with the Company.

With respect to the organizational structure of the operating aspect of its business, the Company avers that, insofar as its electrical department is concerned, its Divisions are not operating units. In any event, there can be no question of the highly integrated nature of the Company's business. In addition, employees are interchanged between Divisions, all Divisions have substantially the same work classifications, and, except for wage differentials in several power plants which are relatively inaccessible, there is a uniform wage scale for each classification of employees. From the record, no material difference between Pottsville and the remaining Divisions of the Company is discernible.

Consideration of all the foregoing facts, particularly the long history of collective bargaining premised on a system-wide unit and the Company's integrated business, impels the conclusion that the unit sought by the UWOC, limited in scope to the Pottsville Division, is inappropriate.<sup>4</sup>

#### IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since the unit sought by the UWOC is inappropriate, we find that no question affecting commerce has arisen concerning the representation of employees of the Company.

#### ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of the Pennsylvania Power & Light Company, Allentown, Pennsylvania, filed by Utility Workers Organizing Committee, CIO, be, and it hereby is, dismissed.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Order.

<sup>3</sup> As of December 31, 1943, the EIA claimed as dues paying members 276 employees in the Pottsville Division.

<sup>4</sup> *Matter of Buffalo Niagara Electric Corporation, et al*, 46 N. L. R. B. 668, and cases therein cited at P. 672, Fn. 6.