

In the Matter of THE NATIONAL LIFE AND ACCIDENT INSURANCE COMPANY and AMERICAN FEDERATION OF LABOR

Case No. 8-R-1523.—Decided August 7, 1944

*Mr. Douglas Henry*, of Nashville, Tenn., for the Company.

*Mr. T. C. Dethloff*, of Akron, Ohio, of the Union.

*Mrs. Catherine W. Goldman*, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by the American Federation of Labor, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The National Life and Accident Insurance Company, Canton, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Frank L. Dannello, Trial Examiner. Said hearing was held at Cleveland, Ohio, on June 26, 1944. The Company and the Union appeared and participated. All parties 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 an 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

The National Life and Accident Insurance Company, a Tennessee corporation with its home office and principal place of business in Nashville, Tennessee, is engaged in life, health, and accident insurance business on the non-participating plan in 21 states of the United States.

On December 31, 1943, the Company was the 40th largest life insurance company in the United States in terms of assets. On that date the Company had 4,274,032 policies in force having a total face value of \$1,128,224,814, and 341,684 policies of health and accident insurance. Its assets amounted to \$131,448,696.56. The Company had

\$4,840,138.95 on deposit in 83 banks and trust companies located in 22 states, and had acquired, through mortgage foreclosure, property located in 5 states.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

The American Federation of Labor is a labor organization admitting to membership employees of the Company.

## III. THE ALLEGED APPROPRIATE UNIT

The Union requests a unit coinciding with the extent of its organization, covering industrial and ordinary insurance agents of the Company in the Canton, Ohio, area, including the detached offices of New Philadelphia, Ohio, and Alliance, Ohio. The Company takes no position with respect to the appropriate unit.

The Company maintains 10 district offices in the State of Ohio, at which it employs 165 industrial and ordinary insurance agents. Ten of these agents are located in the Canton office, one in the New Philadelphia office, and one in the Alliance office.

As we recently stated in *Matter of Metropolitan Life Insurance Company*,<sup>1</sup> organization among insurance agents, although comparatively recent, is steadily progressing and tending toward State-wide units, which we believe are, in most instances, the most practicable for collective bargaining purposes. Since the record here does not convince us that a State-wide bargaining unit for the Company's agents is improbable in the near future, we are of the opinion that the limited unit proposed by the Union is not appropriate.<sup>2</sup> We shall, therefore, dismiss the Union's petition without prejudice.

Since the unit proposed in this proceeding is not appropriate for the purposes of collective bargaining, we find that no question has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) of the Act.

## ORDER

Upon the basis of the foregoing findings of fact, and the entire record in this proceeding, the National Labor Relations Board hereby orders that the petition for investigation and certification of representatives of employees of The National Life and Accident Insurance Company, Canton, Ohio, filed by the American Federation of Labor, be, and it hereby is, dismissed without prejudice.

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

<sup>1</sup> 56 N. L. R. B. 1635 and 1642.

<sup>2</sup> See *Matter of Washington National Insurance Company*, 57 N. L. R. B. 224.