

In the Matter of PACIFIC GAS AND ELECTRIC COMPANY and UTILITY  
WORKERS ORGANIZING COMMITTEE, CIO

*Case No. 20-R-1092.—Decided August 7, 1944.*

*Mr. Thomas J. Straub, Mr. J. Paul St. Sure, and Miss Anne McDonald, of San Francisco, Calif., for the Company.*

*Gladstein, Grossman, Sawyer, & Edises, by Mr. Bertram Edises, of Oakland, Calif., for the U. W. O. C.*

*Mrs. Augusta Spaulding, of counsel to the Board.*

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Utility Workers Organizing Committee, CIO, herein called the U. W. O. C., alleging that a question affecting commerce had arisen concerning the representation of employees of Pacific Gas and Electric Company, San Francisco, California, herein called the Company, the National Labor Relations Board provided for an appropriate consolidated hearing upon due notice before John Paul Jennings, Trial Examiner. Said hearing was held at San Francisco, California, on June 20, 1944. The Company and the U. W. O. C. appeared and participated.<sup>1</sup> Both parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues.<sup>2</sup> The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. Both parties were afforded opportunity to file briefs with the Board.

<sup>1</sup> Shortly before the opening of the formal hearing, International Brotherhood of Electrical Workers, also served with notice, advised the Trial Examiner that it claimed no interest among the employees covered by the petition herein and that it did not desire to participate in this proceeding.

<sup>2</sup> The parties stipulated at the hearing that certain designated portions of the transcript of the record in Case No. R-5894 (20-R-877), a prior representation proceeding involving employees of the Company, be incorporated by reference into the record in this proceeding. In accordance with the stipulation, the portions of the transcript of the record in the prior proceeding, as designated by the parties, are hereby made, and are part of the record herein. *Matter of Pacific Gas and Electric Company*, 52 N. L. R. B. 1204.

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

### FINDINGS OF FACT

#### I. THE BUSINESS OF THE COMPANY

Pacific Gas and Electric Company is a public utility corporation, which has its principal office and place of business at San Francisco, California. It is engaged principally in the business of generating, buying, transmitting, selling, and distributing electrical energy; of buying, transporting, selling, and distributing natural gas; and of manufacturing, transporting, selling, and distributing manufactured gas. All such gas and electricity is used for light, heat, and power purposes in central and northern California. As an incident to its gas and electric business the Company sells gas and electric appliances at retail. In certain small cities and towns in rural areas it distributes and sells water for domestic and irrigation purposes. It purchases and sells steam to customers in San Francisco and Oakland, California.

The Company is the third largest electric power company in the United States. It is the sole commercial source of electric energy and the only practical commercial source of natural and manufactured gas in the central and northern portion of California. The San Francisco-Oakland area, which is entirely dependent on the Company for electric energy and gas, is one of the foremost industrial and commercial centers in the United States. San Francisco is the distribution center of the West Coast, and as a port ranks second in the United States in the value of water-borne commerce.

The Company owns and operates 50 hydroelectric generating plants and 13 steam electric generating plants, all of which are situated in California. In 1942 its total electrical load, consisting of all electric energy generated, purchased and received on consignment, was 7,462,591,890 kilowatt hours, of which amount 245,149,600 kilowatt hours were purchased from California-Oregon Power Company, which maintains generating plants in both Oregon and California, and delivered to the Company at Delta, California, approximately 70 miles south of the California-Oregon State line. The entire electrical load of the Company is sold and delivered in California. In 1942 it delivered 33,390,532 kilowatt hours, chiefly for use in Nevada, to Sierra-Pacific Power Company, which generates and distributes electric energy in both Nevada and California. The energy is delivered in the Company's transmission lines to Summit, California, 20 miles west of the Nevada-California State line. There the Company's transmission lines connect with the transmission lines of Sierra-Pacific Company, which carry the energy into Nevada.

The Company owns and operates in California a transmission pipeline system; including a large gas compressor station, for the transportation of natural gas, in central and northern California. It owns and operates 14 gas manufacturing plants, all of which are situated in California. Ten are stand-by plants reserved against the interruption of natural gas service. All the plants are operated by fuel oil or butane produced or purchased in California. Its total sales of gas in 1942 were 107,304,089,000 cubic feet.

A large number of manufacturing industries, including war industries, situated in the area served by the Company and engaged in shipping and receiving commodities in interstate or foreign commerce, are wholly dependent on the Company for gas and electric power which are essential to the operation of their plants. The United States Government purchases large quantities of electricity and gas from the Company for the purpose, among others, of operating its numerous post offices and military installations situated in the area served by the Company. The Company also supplies power to all the newspapers located in the area which it serves, to the Associated Press, to the San Francisco and Oakland airports, to the Dow-Jones and Company ticker service, to oil refineries, shipbuilding and repair concerns, and steamship lines, to navigation aids, interstate railroads, telegraph and telephone companies, and to radio broadcasting stations.

## II. THE ORGANIZATION INVOLVED

Utility Workers Organizing Committee is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On October 5, 1943, in the prior representation proceeding involving the Company's employees noted in footnote 2, above, the Board found that office and clerical employees in the Company's Central Supply Department, with certain exclusions particularly noted below, constituted an appropriate bargaining unit and directed that an election be held among them to determine whether or not they desired to be represented by the U. W. O. C. for the purposes of collective bargaining. On November 10, 1943, when the results of the election disclosed that a majority of the employees voting had not selected the U. W. O. C. as their bargaining representative, the Board dismissed the petition therein. The U. W. O. C. subsequently extended its organizational efforts among the Company's employees and asked the Company for recognition as their representative. The Company re-

fused such recognition and, on May 24, 1944, the U. W. O. C. filed the petition in this proceeding.

A statement prepared by a Field Examiner and introduced into evidence at the hearing indicates that the U. W. O. C. represents a substantial number of employees in the unit herein found appropriate.<sup>3</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 National Labor Relations Act.

#### IV. THE APPROPRIATE UNIT

In the prior representation proceeding, noted above, we found that all office and clerical employees of the Company in the Central Supply Department, excluding traveling warehousemen, officials, executive officers, the office manager, the chief clerk in the receiving department, the order supervisor, the chief clerk in the shipping department, the salvage supervisor, the stores engineer, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees under them, or effectively recommend such action, constituted an appropriate bargaining unit. The parties stipulate that there has been no change in the business of the Company with respect to conditions affecting the employees herein concerned since the issuance of the decision in the former proceeding. Under these circumstances, we see no reason to make any change in our finding with respect to the unit appropriate for these employees.

We find that all office and clerical employees of the Company in the Central Supply Department, excluding traveling warehousemen, officials, executive officers, the office manager, the chief clerk in the receiving department, the order supervisor, the chief clerk in the shipping department, the salvage supervisor, the stores engineer, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees under them, 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.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll

---

<sup>3</sup> The U. W. O. C. submitted 47 authorization cards, dated in 1944, and bearing the names of employees on the Company's pay roll of June 14, 1944. There are approximately 75 employees in the appropriate unit.

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 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Pacific Gas and Electric Company, San Francisco, California, 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 Twentieth 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 the 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 those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by Utility Workers Organizing Committee, CIO, for the purposes of collective bargaining.

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