

In the Matter of THE MARION RESERVE POWER COMPANY and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION B-638, (AFL)

Case No. 8-R-1463

SUPPLEMENTAL DECISION

AND

AMENDMENT TO DIRECTION OF ELECTION

August 11, 1944

On July 14, 1944, the Board issued its Decision and Direction of Election in this proceeding,<sup>1</sup> finding all production and maintenance employees in the Company's Eastern Division to constitute an appropriate bargaining unit. Thereafter, on July 31, 1944, the Company submitted a motion for reconsideration of the unit finding. In its motion, as at the hearing, the Company argues that only a system-wide unit including production and maintenance employees in both its Eastern and Western Divisions is appropriate, and cites our decision in the *Central Ohio Light and Power* case in support of its position.<sup>2</sup> That case is factually similar to the one now before us, but in one essential aspect is distinguishable. There, one of the labor organizations participating in the hearing requested a system-wide unit and was in a position to represent employees in that unit. Here, the IBEW has been unsuccessful in its organizational efforts outside the Eastern Division and only the employees in that Division have evinced interest in the designation of a collective bargaining representative. Thus, if collective bargaining is to be an immediate possibility for the employees in the Eastern Division, the bargaining unit must reasonably approximate the limits of effective union organization. While we may agree that the Company's operations are closely integrated and, in consequence, the system-wide unit is the more desirable, we are none the less convinced that in the present state of organization a unit confined to the employees in the Eastern Division is appropriate for the purposes of collective bargaining.

<sup>1</sup> 57 N. L. R. B. 353.

<sup>2</sup> *Central Ohio Light and Power Co.*, 51 N. L. R. B. 522.

57 N. L. R. B., No. 197.

The Company is mistaken in its belief that the Board has adopted an inflexible policy with respect to bargaining units in small utility companies. While as a general rule considerations of integration, interchange of personnel, and uniformity of labor policy, wages, and working conditions argue in such cases for a system-wide unit, other factors to which we have adverted above may call for a different disposition.<sup>3</sup>

Upon consideration of the entire record in the case the motion of the Company is hereby denied.

#### AMENDMENT TO DIRECTION OF ELECTION

Since it appears that further time is necessary within which to conduct the election, the Direction of Election is hereby amended by striking therefrom the words "but not later than thirty (30) days" and by substituting therefor the words "but not later than forty-five (45) days."

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

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<sup>3</sup> See *Matter of Rockland Light & Power Co., Inc.*, 49 N L R B. 1398 See also *Matter of Kentucky Utilities Company*, 53 N L R B 1273