

In the Matter of SOUTHERN CALIFORNIA TELEPHONE COMPANY and
AMERICAN COMMUNICATIONS ASSOCIATION, LOCAL 103, CIO

Case No. 21-R-2107.—Decided September 2, 1944

Lawler, Felix & Hall, by *Mr. Leslie C. Tupper*, of Los Angeles, Calif., for the Company.

Katz, Gallagher & Margolis, by *Mr. Abraham Isserman*, of Los Angeles, Calif., for the CIO.

Mr. John C. Packard, of Los Angeles, Calif., for the Brotherhood.

Mrs. Augusta Spaulding, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon an amended petition ¹ duly filed by American Communications Association, Local 103, affiliated with the Congress of Industrial Organizations, herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of Southern California Telephone Company, Los Angeles, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William B. Esterman, Trial Examiner. Said hearing was held at Los Angeles, California, on various dates between January 17 and April 27, 1944. The Company, the CIO, and United Brotherhood of Telephone Workers, herein called the Brotherhood, appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. At the conclusion of the hearing, the Company and the Brotherhood each moved that the instant petition be dismissed on the ground that the proposed unit was not an appropriate bargaining unit. The Trial

¹ The original petition was filed on August 17, 1943, by Organization of Central Office Telephone Technicians. Pacific Telephone and Telegraph Company was named therein as the employer concerned in the proceeding. On September 22, 1943, an amended petition was filed by the CIO. In the amended petition Southern California Telephone Company, a wholly owned subsidiary of the above, was named as the employer concerned in this proceeding.

Examiner did not rule upon the motions. For reasons, which appear in Section III, below, the motions are granted. 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

Southern California Telephone Company is engaged in rendering interstate and intrastate telephone, telegraph, and teletypewriter service in all or part of the following counties in southern California: Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Bernardino, Imperial, and San Diego. The Company and Bell Telephone Company of Nevada are wholly owned subsidiaries of Pacific Telephone and Telegraph Company. For administrative purposes the territory served by Pacific Telephone and Telegraph Company and its subsidiaries is divided into four geographical areas, (1) the Southern California area, which is served by the Company, (2) the Northern California and Nevada area, which is served by Pacific Telephone and Telegraph Company and Bell Telephone Company of Nevada, and (3) the Oregon area and (4) the Washington-Idaho area, both of which are served by Pacific Telephone and Telegraph Company. A portion of the stock of Pacific Telephone and Telegraph Company is controlled by American Telephone and Telegraph Company.

The Company employs approximately 16,500 persons. As of November 30, 1943, the Company owned and operated 997,909 telephones and approximately 7,500 miles of pole lines and 5,300,000 miles of wire, including wire in cables, but excluding block and drop wire. The Company's operations extend over approximately 30,000 square miles.

The Company admits that it is engaged in commerce, within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

American Communications Association, Local 103, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

United Brotherhood of Telephone Workers is a labor organization affiliated with the National Federation of Telephone Workers, admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The CIO contends that central office maintenance employees² in the plant department³ constitute an appropriate unit apart from other employees in the plant department and in other departments of the Company's operations. The Company and the Brotherhood take the position that the proposed unit is not appropriate for bargaining, on the grounds (1) that, in a prior representation proceeding involving employees of the Company, the Board found that all employees in the plant department, excluding messengers, toll maintenance employees, and supervisory employees, constituted an appropriate bargaining unit and that there has been no substantial change in the Company's operations affecting the work or job classification of employees in the plant department; (2) that the proposed unit has no historical foundation in the past bargaining relations between the Company and its employees; and (3) that the proposed unit is inappropriate *per se* in view of the integration and correlation of plant work in the Company's operations.

On April 27, 1940, in a prior consolidated representation proceeding involving employees of Pacific Telephone and Telegraph Company and its subsidiaries, the Board found that toll maintenance employees of Pacific Telephone and Telegraph Company, Bell Telephone Company of Nevada, and Southern California Telephone Company, the employer concerned herein, constituted a multiple employer unit appropriate for the purposes of collective bargaining apart from other employees in the plant departments, and certified Order of Repeatermen and Toll Testboardmen as their exclusive bargaining representative; and the Board further found that all plant employees of Southern California Telephone Company, the employer herein, including all plant clerks, but excluding toll maintenance employees, messengers, executives, and supervisory employees, constituted a unit appropriate for the purposes of collective bargaining and certified the Brotherhood as their exclusive bargaining representative.⁴ Since this time, employees in the Company's plant department have bargained with their employer in two units, one limited to toll maintenance employees of the Company, who

² The term "central office" relates to the aggregation of inside telephone equipment necessary to the rendering of local telephone service. One or more central offices constitute a "central office exchange," or an "exchange." Central office equipment is distinguished from "toll equipment" necessary to the rendering of "long distance" service. The line of demarkation between "toll" and "central office" (or "exchange") is not precise. Some equipment is used in common to render both services. The number and classification of employees attached to any telephone location is determined by the variety and extent of service demands upon it. All telephone equipment is highly standardized.

³ The Company divides its operations functionally into six departments, called the administrative, engineering, accounting, commercial, traffic, and plant departments, respectively. The term "plant" means telephone equipment and it identifies the department that installs, services, and maintains telephone equipment.

⁴ *Matter of Pacific Telephone and Telegraph Company, et al*, 23 N. L. R. B. 280.

work under the general direction of the supervisor of the division of toll maintenance, and the other substantially covering the remaining employees in the plant department, including (1) building service employees under the superintendent of buildings, supplies, and motor vehicles, (2) construction employees under the superintendent of construction and plant engineering, and (3) the more numerous central office employees and station⁵ employees who, for administrative convenience, are assigned to geographical sections, respectively known as the Los Angeles Division and Southern Division of the Company's operations, each of which is subject to the direction of a division manager under a general manager, who coordinates and regulates all the work of the plant department. No change has taken place in the Company's business or operations which affects the work of these employees. There is nothing in the instant record to indicate, and the CIO does not contend, that the units previously found by the Board to be appropriate are not presently appropriate for the Company's employees for the purposes of collective bargaining.

The CIO alleges, however, that it has at this time substantially limited its recent organization among the Company's employees in this broad plant unit to central office workers, and it urges that, since the appropriateness of its presently proposed unit was not the contention of any party in the prior representation proceeding, the Board should, upon the instant petition, determine the issue whether a unit limited to the Company's central office employees is, under the present circumstances, an appropriate bargaining unit.

As noted above, employees of the plant department fall into four administrative groups. The unit proposed by the CIO would include central office employees in the Company's entire area and would exclude not only the building service and construction employees working under their respective superintendents in area-wide departments, but also station installers and station repairmen who, with central office employees, work in the same administrative subdivisions and districts of the plant department under the same supervisors and exercise similar skills in their closely related functions to maintain communication between the subscriber and central office.

We have frequently pointed out that the organization, management, and operation of a public utility as an integrated enterprise necessarily results in the intimate interrelationship and interdependency in the work and interest of all employees and in their common close association despite wide geographical separation in their work situs. It seems unnecessary to point out that the effect

⁵ A "station" is telephone equipment, (including inside wiring) on a subscriber's premises. The broad term includes the more complicated private branch exchange equipment, commonly known as PBX equipment. The term "station employees," used herein, includes station installers, station repairmen, PBX installers, and PBX repairmen.

of geographical separation of the work situs of telephone employees, who establish and maintain communication among the subscribers of a telephone company, is reduced to a minimum through the almost constant checking and rechecking among them by direct telephonic communication. The Board has consistently held that area-wide units are peculiarly appropriate for production and maintenance employees of a public utility company.⁶ In numerous cases, in the absence of area-wide representation on the part of a labor organization, and pending representation on a broader basis, the Board has held that separate units covering employees in clearly defined administrative sectors of utility operations are appropriate for employees therein, thus predicating a necessary limitation of a unit for immediate bargaining purposes upon the administrative lines drawn by the employer for the effective operation of its business.⁷ The interdependency in the different operations performed throughout the Company's area by station employees and central office employees under common supervision is marked. Their functions, skills, and interests are similar. Together they constitute the production and maintenance employees in well-integrated administrative sectors, subject to the managers of the Los Angeles and Southern Divisions, respectively, and the subordinate district supervisors. The exhaustive record in the instant proceeding permits no alternative to the finding that central office employees are properly to be included in the same bargaining unit with station installers and station repairmen.

The CIO alleges, however, that central office employees constituted one of the original employee associations which later amalgamated to form the Brotherhood; that, before the formation of the Brotherhood, central office employees dealt with the Company as a bargaining organization limited in membership to such employees; that, subsequent to the formation of the Brotherhood, central office employees, as Local 113 of the Brotherhood, continued to bargain with the Company on matters concerning their employment; and that this bargaining history supports a conclusion that central office employees presently constitute an appropriate bargaining unit apart from other employees of the plant department. We do not agree. While it is true that, as far back as 1922, central office employees at Los Angeles formed an employee association limited in membership to central office technicians and in extent to the Los Angeles area, central office employees in the Southern Division, then directly under Pacific Telephone and Telegraph Company, the parent of the Company herein, formed

⁶ *Matter of American Telephone and Telegraph Company*, 55 N. L. R. B. 327; *Matter of Pennsylvania Electric Company*, 56 N. L. R. B. 625

⁷ *Matter of Pacific Gas and Electric Company*, 40 N. L. R. B. 591; and *Matter of Union Producing Company, et al.*, 53 N. L. R. B. 1287.

other associations with other employees of the plant department, conveniently based upon work situs and including employees in widely different job classifications in the plant department. The shift in 1930 of the entire geographical areas covered by the Southern Division and the Los Angeles Division into the immediate control of the Company effected no change in the membership or status of the numerous mixed employee groups then existing among the plant employees. Representatives of these several employee associations met with representatives of management for discussion of matters involving their working conditions. When employees of the Company discovered that such negotiations were unsatisfactory, they made attempts to form a federation of employee associations which should command the attention of the Company's principal administrative officers so that broad agreements on specific and comprehensive terms could be effected, and yet, at the same time, preserve the autonomy and identity of the several employee associations who should be members of such federation. In 1938, when such attempts had failed, the Company's employees formed the Brotherhood, and the several employee organizations, among them the association limited to central office employees in the Los Angeles area, became subordinate locals of the Brotherhood. Before 1940 the Brotherhood functioned as the exclusive bargaining representative of members of its locals. Locals of the Brotherhood met with representatives of management on supplementary and local matters. Since 1940, when the Brotherhood was certified by the Board as the exclusive bargaining representative of all employees in the broad plant unit, the Brotherhood has effected broad comprehensive agreements, covering all such employees. To implement such contracts, as provided by the constitution and by laws of the Brotherhood and not inconsistent with the terms of the contracts between the Company and the Brotherhood, locals of the Brotherhood have continued to meet upon occasion with representatives of their employer, interpreting and applying the terms of such contracts to specific situations and individual needs. Thus, the dealings between locals of the brotherhood, including those of Local 113, restricted to central office employees in the Los Angeles area, have constituted not separate and independent relations, but an integral part of the broad bargaining relations between the Company and the Brotherhood.⁸

We find, on the basis of the entire record herein, that the proposed unit limited to central office employees is not appropriate for the purposes of collective bargaining and that, consequently, no question affecting commerce has arisen concerning the representation of the Company's employees. We shall dismiss the petition filed herein.

⁸ *Matter of Western Electric Company*, 47 N. L. R. B. 1456.

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 Southern California Telephone Company, Los Angeles, California, filed by American Communications Association, Local 103, CIO, be and it hereby is, dismissed.

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