

IN the Matter of THE ELYRIA TELEPHONE COMPANY and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION B-1014, A. F. OF L.

*Case No. 8-R-1622.—Decided September 19, 1944*

*Mr. William P. Clyne*, of Cleveland, Ohio, for the Company.

*Mr. W. H. Wilson*, of Akron, Ohio, for the Union.

*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Brotherhood of Electrical Workers, Local Union B-1014, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Elyria Telephone Company, Elyria, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas E. Shroyer, Trial Examiner. Said hearing was held at Cleveland, Ohio, on August 24, 1944. The Company and the Union 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 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 Elyria Telephone Company is an Ohio corporation with its principal place of business at Elyria, Ohio, where it furnishes telephone communication facilities. During the 6-month period preceding the date of the hearing, the Company purchased equipment, material, and supplies valued in excess of \$12,000, 75 percent of which was shipped to it from points outside the State of Ohio. The Com-

pany is the only one operating telephone facilities in Elyria, Ohio, and handles long distance telephone service over its own lines and over the lines of the Ohio Bell Telephone Company and American Telephone and Telegraph Company. It is impossible to make or receive a long distance call in the territory serviced by the Company unless the Company's facilities are used.

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

## II. THE ORGANIZATION INVOLVED

International Brotherhood of Electrical Workers, Local Union B-1014, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

On August 3, 1944, the Union requested recognition of the Company as the exclusive bargaining representative of its employees. The Company refused this request until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</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 Act.

## IV. THE APPROPRIATE UNIT

The Union urges that all employees in the plant department of the Company, including the wire chief and line gang foreman,<sup>2</sup> but excluding the engineer, the equipment superintendent, and all other supervisory employees, constitute an appropriate unit. The Company agrees with the Union's contention.

It appears that the parties further agree that the janitress should be excluded from the unit. The record indicates that the janitress is carried on the plant department pay roll and no valid reason appears for excluding her from the unit. Accordingly, we shall include her.

We find that all employees in the plant department of the Company, including the wire chief, the line gang foreman, and the jani-

<sup>1</sup> The Field Examiner reported that the Union presented 10 membership application cards bearing the names of persons who appear on a pay roll of the Company. There are approximately 14 employees in the unit.

<sup>2</sup> Evidence introduced at the hearing indicates that the wire chief and line gang foreman are ordinary plant department employees and that they have no authority to recommend changes in the status of any employee.

tress, but excluding the engineer, the equipment superintendent, and all other supervisory employees with the authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, 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.<sup>3</sup>

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

The Company employs high school boys who work regularly 2 or 3 hours daily and all day on Saturday. The Union requests that they be deemed ineligible to vote in the election. It appears that the high school boys perform the same type of duties as other employees in the unit. We find that the part-time employees are eligible to vote in the election since they work on a regular schedule and work sufficient hours to make them regular part-time employees.

#### 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 The Elyria Telephone Company, Elyria, Ohio, 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 Eighth 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

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<sup>3</sup> The Union presently represents the traffic department employees of the Company. The Company requests that in the event the Union wins the election hereinafter to be directed that the plant department employees be merged in a single unit with the traffic department employees. The Union opposes this request. We shall not pass upon the request at this time but shall entertain such a motion in the event the Union wins the election.

date of this Direction, including employees who did not work during 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 any 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 International Brotherhood of Electrical Workers, Local Union B-1014, affiliated with the American Federation of Labor, for the purposes of collective bargaining.