

In the Matter of DALLAS POWER & LIGHT COMPANY *and* INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL B-69, AFL

*Case No. 16-R-951*

SUPPLEMENTAL DECISION  
CERTIFICATION OF REPRESENTATIVES  
AND  
ORDER

*September 19, 1944*

On August 15, 1944, pursuant to a Decision and Direction of Election issued by the Board on July 31, 1944,<sup>1</sup> an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Sixteenth Region (Fort Worth, Texas). Upon the conclusion of the election, a Tally of Ballots was furnished the parties in accordance with the Rules and Regulations of the Board.

The Tally indicated that of approximately 111 eligibles in the voting group 92 cast valid votes, 64 of which were cast for the Union, and 28 against the Union.<sup>2</sup>

On August 19, 1944, the Company filed "Objections to the Conduct of the Election and Conduct Affecting the Result of the Election," alleging in substance, that the Tally of Ballots did not truly indicate the approximate number of eligible voters in the appropriate unit. On August 28, the Regional Director issued and duly served on the parties a Report on Objections, finding that a substantial and representative number of eligible voters participated in the election and that the Objections of the Company raised no substantial and material issues. He recommended that the Objections be overruled. On August 30, 1944, the Company filed Exceptions to the Regional Director's Report on Objections, alleging, in substance, that there were approximately 137 eligible voters in the unit,<sup>3</sup> that the Tally of Ballots misstated this number, and that the effect of this error "is to establish confusion and uncertainty regarding the unit of employees to be

<sup>1</sup> 57 N. L. R. B. 791.

<sup>2</sup> In addition, the ballots of five employees were challenged.

<sup>3</sup> According to the Company, 42 of these employees are in the armed services of the United States and 95 are presently engaged in the Company's manufacturing activities.

58-N. L. R. B., No. 75.

represented by the Bargaining Agent." It requested that the Tally of Ballots be corrected so as to indicate that there were 137 eligible voters in the appropriate unit.

On September 11, 1944, the Union filed a "Petition for Interpretation of the Board's Decision and Direction of Election of Date July 31, 1944," alleging, in effect, that the Company has indicated that it will refuse to bargain collectively with respect to certain classifications of employees,<sup>4</sup> contending that such employees are supervisory within the meaning of the Board's customary definition. On September 13, 1944, the Company filed a motion to dismiss the Union's petition.

After due consideration of the Objections of the Company, the Regional Director's Report thereon, the Company's Exceptions, the Petition of the Union, the Company's motion to dismiss the petition, and the entire record in the case, we find, in accordance with the Regional Director's Report, that a substantial and representative number of employees participated in the election, and that no substantial and material issues affecting the conduct of the election have been raised by the Objections. Whether or not there were 137 or 111 eligible voters in the appropriate unit, it is clear that a majority cast ballots. Obviously no confusion or uncertainty as to the unit results from the alleged error in stating the approximate number of eligibles. Accordingly, the Objections are overruled. However, there is insufficient evidence in the record upon which to base a finding with respect to those classifications of employees which are the subject of the Union's Petition. Since the pay roll submitted by the Company containing the eligible voters indicates that there are but 17 employees in these classifications, and since it appears that only 5 sought to vote and were challenged, it is apparent that the votes of employees in the disputed classifications are insufficient to disturb the results of the election. We shall, therefore, certify the Union as the collective bargaining representative of those employees of the Company in the unit previously found appropriate. In addition, we hereby deny the Company's motion to dismiss the Union's petition, and shall direct that the record be reopened for the purpose of receiving evidence with respect to the supervisory status of the employees engaged in the classifications in question. Upon the evidence thus obtained, we shall issue a supplemental decision determining whether or not the employees in these classifications form part of the collective bargaining unit for which the Union will have been certified.

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<sup>4</sup> These classifications of employees are Foremen, Line Working, and Foremen, Utility, in the Overhead Lines Division; Foremen, Cable, and Foremen, Utility, in the Underground Lines Division; and Foremen, Service, in the Meter Division.

## CERTIFICATION OF REPRESENTATIVES

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, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3, as amended

IT IS HEREBY CERTIFIED that International Brotherhood of Electrical Workers, Local B-69, AFL, has been designated and selected by a majority of all employees of Dallas Power & Light Company, Dallas, Texas, engaged in its overhead construction division, underground construction division, meter division, and trouble division, including senior clerks of the trouble division, but excluding stenographers, chief clerks, senior clerks of all divisions except the trouble division, foremen-line (supervisory) Class A-1 and A, foremen-operating-pole setting, foremen-operating-transformer repair, and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, the aforesaid organization is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, or other conditions of employment.

## ORDER

IT IS HEREBY ORDERED that the record in the above-entitled proceeding be reopened and a further hearing be held for the purpose of receiving evidence with respect to the supervisory status of employees of Dallas Power & Light Company, Dallas, Texas, engaged as Foremen, Line Working, and Foremen, Utility, in its Overhead Lines Division; Foremen, Cable, and Foremen, Utility, in its Underground Lines Division; and Foremen, Service, in its Meter Division; and

IT IS FURTHER ORDERED that this proceeding be referred to the Regional Director for the Sixteenth Region for the purpose of conducting such further hearing, and that the said Director be, and he hereby is, authorized to issue notice thereof.