

In the Matter of HARTFORD GAS COMPANY and UNITED MINE WORKERS
OF AMERICA, DISTRICT 50

Case No. 1-R-2040.—Decided September 29, 1944

Shipman & Goodwin, by *Mr. Walfrid G. Lundborg*, of Hartford, Conn., for the Company.

Grant & Angoff, by *Mr. Harold B. Roitman*, of Boston, Mass., 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 United Mine Workers of America, District 50, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Hartford Gas Company, Hartford, Connecticut, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Samuel G. Zack, Trial Examiner. Said hearing was held at Hartford, Connecticut, on September 8, 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. During the course of the hearing counsel for the Company moved to dismiss the petition. The Trial Examiner reserved ruling thereon. The motion is hereby denied. 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

Hartford Gas Company is a Connecticut corporation with its principal office at Hartford, Connecticut. The Company is engaged in the manufacture, sale, and distribution of illuminating and fuel gas

within a geographical area having a radius of 15 miles from Hartford, Connecticut. The Company does not sell any gas to customers located outside the State of Connecticut. From February 1, to July 31, 1944, the Company's sales amounted to \$1,577,106. During the same period it purchased materials valued at about \$669,648, 20.5 percent of which was shipped to it from points outside the State of Connecticut. Approximately 9.6 percent of the Company's total revenue during the above-mentioned period, was received from sales to industrial consumers. The Company's industrial customers include airplane, fire-arm, and other war products manufacturers.

We find, contrary to the contentions of the Company, that the Company's business affects commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Mine Workers of America, District 50, is a labor organization, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of its employees because it contends that it is not subject to the jurisdiction of the Act.

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.¹

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 production and distribution employees of the Company at Hartford and Manchester, Connecticut, including meter readers, elevator operators, and janitors, but excluding executives, office and clerical employees, and supervisory employees, constitute an appropriate unit. The only controversy with respect to the unit concerns meter readers. The Union would include all such employees in the unit, while the Company would exclude them.

The Company employs meter readers who are carried on its accounting department pay roll. There is no interchange of employees be-

¹ The Field Examiner reported that the Union presented 52 authorization cards bearing the names of persons appearing on the Company's pay roll for the period ending August 12, 1944. There are approximately 124 employees in the appropriate unit.

tween the production and distribution departments and the accounting department. The record further discloses that the work of the meter readers is purely clerical in nature. We shall exclude the meter readers from the unit.

We find that all production and distribution employees of the Company at Hartford and Manchester, Connecticut, including elevator operators and janitors, but excluding meter readers, office and clerical employees, executives, and all supervisory employees with 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.

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.

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 Hartford Gas Company, Hartford, Connecticut, 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 First 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 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 United Mine Workers of America, District 50, for the purposes of collective bargaining.