In the Matter of SOUTHERN CALIFORNIA EDISON COMPANY, LTD. *and* INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL B-18, AFL

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Cases Nos. 21-R-2374, 21-R-2375, 21-R-2376 and 21-R-2391, respectively.—Decided October 30, 1944

Gibson, Dunn and Crutcher, by *Messrs. J. Stuart Neary* and *R. E. Woodbury*, both of Los Angeles, Calif., for the Company.

Mr. David Sokol, of Los Angeles, Calif., for the I. B. E. W.

Mr. Paul L. Anderson, of Los Angeles, Calif., for the U. W. O. C.

Mr. David V. Easton, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon four separate petitions duly filed by International Brotherhood of Electrical Workers, Local B-18, AFL, herein called the I. B. E. W., alleging that questions affecting commerce had arisen concerning the representation of employees of Southern California Edison Company, Ltd., Los Angeles, California, herein called the Company, the National Labor Relations Board consolidated the cases by an order dated September 5, 1944, and provided for an appropriate hearing upon due notice before George H. O'Brien, Trial Examiner. Said hearing was held at Los Angeles, California, on September 30, 1944.

The Company and the I. B. E. W. appeared,[1] 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 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 Edison Company, Ltd., a California corporation, is engaged in the business of generating, distributing, and selling electric power. During the year 1942, the Company purchased supplies, material, equipment, and machinery valued in excess of $3,400,000, of which more than $2,200,000, represented purchases from points outside the State of California. During the same period, the total sales of the Company amounted to more than $50,000,000. No electric power is directly sold or shipped outside the State of California. The Company delivers wholesale electric power to other cities and companies, including specifically the Pacific Gas & Electric Company, to which the Company delivered in excess of $2,500,000 worth of electric power during 1942. The total wholesale electric power so delivered to the cities and companies is in excess of $3,400,000.

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

II. THE ORGANIZATION INVOLVED

International Brotherhood of Electrical Workers, Local B-18, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTIONS CONCERNING REPRESENTATION

The Company refuses to recognize any labor organization as the exclusive bargaining representative of any of its employees in the absence of certification by the Board; it further contends, as a basis for its refusal, that the units sought herein are inappropriate.

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[1] Utility Workers Organizing Committee, C. I. O., herein called the U. W. O. C., was duly served with Notice of Hearing, and appeared by a representative at the hearing. It made an oral motion to intervene in the proceeding, and submitted a written petition to intervene in support thereof. Both the Company and the I. B. E. W. opposed the motion. The Trial Examiner, after ascertaining that the U. W. O. C. desired no continuance of the hearing to a later date, received the petition into evidence, but denied the motion to intervene "at [that] time" on the ground that the U. W. O. C. was not prepared to submit any evidence of representation. The representative of the U. W. O. C. was present throughout the entire hearing, however, and was given full opportunity to participate therein. As hereinafter noted, the Trial Examiner's ruling is affirmed.

Statements of a Field Examiner for the Board, introduced into evidence, indicates that the I. B. E. W. represents a substantial number of employees in the units hereinafter found appropriate.[2]

We find that questions affecting commerce have 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 UNITS

The I. B. E. W. seeks four separate units of employees of the Company engaged in certain geographical areas. These units conform substantially to a unit found appropriate in a previous decision of the Board involving other employees of the Company.[3] Other than reiterating its contention that only a system-wide unit is appropriate, the Company does not dispute the propriety of the proposed units. The U. W. O. C., although not an intervener, was, as previously indicated, permitted to participate in the hearing. It took no formal position with respect to the propriety of the proposed units.

In view of the fact that we have, in prior decisions,[4] disposed of the Company's contention, we now find that the following groups of employees of the Company, excluding commercial employees, plant-protection employees, employees of subdivisions of the Company other than those expressly included therein, employees engaged in classifications listed on Appendix A attached hereto, 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 units appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

1. All employees (including clerical employees) engaged in the geographical area embraced by its Coast Substation Division, in-

[2] The statements of the Field Examiner may be summarized by the following chart.

Case No	Number in unit	Number on attested membership list of I B E W.
21-R-2374	124	52
21-R-2375	357	123
21-R-2376	174	61
21-R-2391	105	48

The U. W. O C. submitted no evidence of membership among the above-mentioned employees

[3] *Matter of Southern California Edison Company, Ltd*, 55 N L R B 201 See particularly, discussion of Case No 21-R-2167 therein The units in this proceeding differ from those found appropriate in that case by the addition of "all employees in the transportation department"

[4] See *Matter of Southern California Edison Company, Ltd*, *supra*, see also *Matter of Southern California Edison Company, Ltd*, 51 N L. R. B 9.

cluding employees of the E. D. S. districts of Inglewood, Redondo, and Santa Monica, employees of the Transmission Division, employees of the Substation Division, and Transportation Department employees assigned to the Coast Substation Division area.

2. All employees (including clerical employees) engaged in the geographical area embraced by its Central Substation Division, including employees of the E. D. S. districts of Alhambra, Compton, Huntington Park, Monrovia, Montebello, Pasadena, Vernon, San Fernando,[5] and Whittier,[6] employees of the Transmission Division, employees of the Substation Division, and employees of the Transportation Department assigned to the Central Substation Division area, Garage, Shop and Test Department, General Stores, and Appliance Repair Department.

3. All employees (including clerical employees) engaged in the geographical area embraced by its Eastern Substation Division, including employees of the E. D. S. districts of Covina, Ontario, Pomona, Redlands, and San Bernardino, employees of the Transmission Division, employees of the Substation Division, employees of the Generation Department (including Generation Department employees engaged at Boulder Dam), and all employees of the Transportation Department assigned to the Eastern Substation Division area.

4. All employees (including clerical employees) engaged in the geographical area embraced by its Western Substation Division, including employees of the E. D. S. districts of Oxnard, Santa Paula, Ventura, Santa Barbara, and Lancaster, employees of the Transmission Division, employees of the Substation Division, and employees of the Transportation Department assigned to the Western Substation Division area.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by four separate elections by secret ballot among the employees in the appropriate units who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.[7]

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[5] The E D S district of San Fernando is included within this group because the record indicates that the employees engaged therein are listed on the same pay roll of the Company as employees of the Alhambra, Monrovia, and Pasadena E D. S. districts These E D S. districts are contiguous.

[6] The employees engaged at the E. D S district of Whittier are listed on the same pay roll as employees of the E D. S districts of Huntington Park, Compton, Montebello, and Vernon. Under these circumstances, we are of the opinion that they may properly be included within this unit. These E D S districts are contiguous

[7] In view of the fact that we have herein sustained the Trial Examiner's denial of the U. W O C 's motion to intervene, we shall not grant that labor organization a place upon the ballot.

DIRECTION OF ELECTIONS

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 Southern California Edison Company, Ltd., Los Angeles, California, four separate elections 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 Twenty-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 units 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 those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the elections, to determine whether or not they desire to be represented by International Brotherhood of Electrical Workers, Local B–18, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Direction of Elections.

APPENDIX A

1. Division Superintendents
2. Superintendents of transmission and supervisor of right of way
3. Division engineers
4. Station chief supervisors
5. Station chiefs hydro
6. Station chief supervisor assistants
7. Station chief hydro assistants
8. Superintendents Accounting Division
9. E. D. S. superintendents
10. Estimators
11. Heavy gang foremen

12. Division account supervisors
13. Commissary stewards
14. Commissary steward assistants
15. Chief dispatchers
16. Division engineers hydro
17. Local agents
18. Hydrographers
19. Superintendents mechanical maintenance
20. Foremen
21. Senior patrolmen
22. Division clerks
23. Station chiefs
24. Assistant Station chiefs
25. Apprentice clerks, only if comparable to the one discussed in Case No. 21–R–2167 (discussed in 55 N. L. R. B. 201)
26. Subforemen
27. Assistant division superintendents of accounting
28. Cable foremen
29. Tree trimmer foremen
30. Light crew foremen
31. Service crew foremen
32. District clerks
33. Division dispatchers.