

In the Matter of SOUTHERN ELECTRIC SERVICE Co., INC.¹ and LOCAL UNION #342, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, A. F. OF L.

In the Matter of SOUTHERN ELECTRIC SERVICE Co., INC. and LOCAL UNION #379, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, A. F. OF L.

Cases Nos. 5-R-1677 and 5-R-1682 respectively.—Decided January 4, 1945

Mr. W. S. Blakeney, of Charlotte, N. C., for the Company.

Mr. H. F. Adair, of Charlotte, N. C., for the Locals #342 and #379.

Messrs. James A. Martin and *C. O. Robinson*, of Charlotte, N. C., for Local #379.

Miss Ruth Rusch, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon petitions separately and duly filed by Local Union #342, International Brotherhood of Electrical Workers, A. F. of L., herein called Local #342, and Local Union #379, International Brotherhood of Electrical Workers, A. F. of L., herein called Local #379, each alleging that a question affecting commerce had arisen concerning the representation of employees of Southern Electric Service Co., Inc., Charlotte, North Carolina, herein called the Company, the National Labor Relations Board provided for an appropriate consolidated hearing upon due notice before Sidney J. Barban, Trial Examiner. Said hearing was held at Charlotte, North Carolina, on November 24, 1944. The Company, Local #342, and Local #379 appeared and participated.² All parties were afforded full oppor-

¹ All formal papers were corrected to show the name of the Company as set forth above.

² By endorsement of a letter from the Trial Examiner dated November 30, 1944, the parties have stipulated that a certain typographical error in the transcript of the hearing be corrected. The stipulation is hereby approved and it is ordered that the record be corrected accordingly.

tunity 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

The Company is a North Carolina corporation with its main plant located in Charlotte, North Carolina, and its other plants located in Greensboro, North Carolina, Greenville, South Carolina, and Spartanburg, South Carolina. The Company is engaged in the general repair of electrical equipment, sale of new and rebuilt equipment, and installation of industrial wiring. For the first 10 months of 1944, the Company purchased materials and equipment amounting to more than \$100,000 in value, of which approximately 75 percent was shipped from sources outside of the States of North and South Carolina. During the same period, the Company's volume of business amounted to approximately \$500,000.

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

II. THE ORGANIZATIONS INVOLVED

Local Union #342 and Local Union #379, International Brotherhood of Electrical Workers are labor organizations affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to Local #342 and Local #379 as the exclusive bargaining representatives of certain of its employees until Local #342 and Local #379 have been certified by the Board in appropriate units.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that Local #342 and Local #379 each represents a substantial number of employees in the unit proposed in its petition and hereinafter found appropriate.³

³ The Field Examiner reported that Local #342 submitted application-for-membership cards, 13 of which bore the names of persons listed on the Company's pay roll, which contained the names of 15 employees in the appropriate unit at the Greensboro plant. The cards were dated 5 in June 1944, 5 in July 1944, 2 in August 1944, and 1 undated.

Local #379 submitted application-for-membership cards, 30 of which bore the names of persons listed on the pay roll which contained the names of 41 employees in the appropriate unit at the Charlotte plant. The cards were dated 4 in July 1944, 4 in August 1944, 3 in October 1944, and 19 undated.

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 UNIT

Local #342 seeks to represent a unit composed of production and service employees, excluding office and all supervisory employees at the Company's Greensboro, North Carolina, plant. Local #379 asks for a similar unit at the Company's main plant in Charlotte, North Carolina. While the Company is in substantial accord with the classifications included in the proposed units, it contends that all four of its plants should comprise a single unit.

The Company's two other plants are located in Spartanburg, South Carolina, and Greenville, South Carolina. Each of the three branch plants is approximately 100 miles from the Charlotte plant where the executive offices are located. All the Company policies are determined in Charlotte. Purchases are made by this office and the materials are then distributed to the other plants. If either a delivery or a sale is made by one of the branch plants, an invoice is sent to the main office. The time sheets are sent to the Charlotte office by the branch plants and a weekly check is sent to each plant to cover the pay roll. All the books and records are kept at the central office, but they are kept in such a way so that the overhead and profit of each plant can be ascertained. The Company has maintained uniform working conditions throughout all of the plants. The War Labor Board has set a uniform wage scale for employees of all four plants and the War Production Board has allotted priority materials to the Company as a whole rather than to each plant separately.

At the Charlotte plant, there is a foreman who supervises the work of the employees. There are plant managers who oversee the work at the other plants. Prior to the war, there was an interchange of employees among the plants. Since the manpower shortage has become acute, the Company has transferred work rather than employees, from one plant to another to distribute it more evenly.

It is evident from the foregoing that a 4-plant unit might be appropriate, but also that the employees at each plant are a clearly identifiable group. Although the International Brotherhood of Electrical Workers has tried to organize the Company's plants in South Carolina, it has been unsuccessful. Since the employees at the Spartanburg and Greenville plants have expressed no desire to designate a bargaining representative, we find that separate units for the Company's employees at Charlotte and Greensboro, respectively, are appropriate. However, our present determination does not preclude

a finding at a future date that a larger, more inclusive unit will then be appropriate.

We find that the following groups of employees constitute units appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

1. All production and service employees at the Company's Greensboro, North Carolina, plant, excluding office employees, foremen, 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.

2. All production and service employees at the Company's Charlotte, North Carolina, plant, excluding office employees, foremen, 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.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the questions concerning representation which have arisen be resolved by 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.

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 Electric Service Co., Inc., Charlotte, North Carolina, 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 Fifth 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, (1) to determine with respect to the employees in the unit described in paragraph 1 of Section IV, whether or not they desire to be represented by Local Union #342, International Brotherhood of Electrical Workers, A. F. of L., for the purposes of collective bargaining, and (2) to determine with respect to the employees in the unit described in paragraph 2 of Section IV, whether or not they desire to be represented by Local Union #379, International Brotherhood of Electrical Workers, A. F. of L., for the purposes of collective bargaining.

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