

In the Matter of AMERICAN DISTRICT TELEGRAPH COMPANY, EMPLOYER
and LOCAL No. 11, INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, A. F. OF L., PETITIONER

Case No. 21-RC-124.—Decided August 5, 1948

DECISION
AND
DIRECTION OF ELECTION

After the filing of the petition herein, the parties to the proceeding entered into a stipulation, which is hereby accepted, waiving a hearing and providing for a Board determination on the basis of the petition and stipulation alone.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of Chairman Herzog and Members Murdock and Gray.

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.¹

2. The labor organization named below claims to represent employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All plant and operating department employees of American District Telegraph Company, Los Angeles, California, excluding sales employees, office and clerical employees, professional employees, guards,² and all supervisors as defined in the Act.

¹ For the reasons stated in *Matter of American District Telegraph Company of San Francisco*, 78 N. L. R. B. 150, we reject the Employer's contention that its operations do not affect commerce within the meaning of the Act.

² The term "guards," as used herein, does not refer to men employed to guard the property of customers of the Employer, instead, it refers to those employees, if any, who guard the Employer's own premises. See *Matter of Brink's Incorporated*, 77 N. L. R. B. 1182.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Twenty-first Region, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, 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 election, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented, for purposes of collective bargaining, by Local No. 11, International Brotherhood of Electrical Workers, A. F. of L.

MEMBER GRAY took no part in the consideration of the above Decision and Direction of Election.