

In the Matter of PACIFIC GAS AND ELECTRIC COMPANY and UTILITY
WORKERS ORGANIZING COMMITTEE, LOCAL 133, CIO

Case No. 20-R-1269.—Decided April 10, 1945

Mr. Thomas J. Straub, Mr. J. Paul St. Sure, and Miss Anne McDonald, of San Francisco, Calif., for the Company.

Gladstein, Grossman, Sawyer & Edises, by Mr. Bertram Edises, of Oakland, Calif., and Miss Angela Ward and Mr. Philip Koritz, of San Francisco, Calif., for the U. W. O. C.

Mrs. Augusta Spaulding, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Utility Workers Organizing Committee, Local 133, CIO, herein called the U. W. O. C., alleging that a question affecting commerce had arisen concerning the representation of employees of Pacific Gas and Electric Company, San Francisco, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John Paul Jennings, Trial Examiner. Said hearing was held at San Francisco, California, on February 15, 1945. The Company and the U. W. O. C. appeared and participated.¹ Both parties 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. Both parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

¹ International Brotherhood of Electrical Workers, also served with notice, having advised the Regional Director that it did not intend to present proof of interest or take part in the hearing, did not appear.

61 N. L. R. B., No. 61.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Pacific Gas and Electric Company is a public utility corporation, which has its principal office and place of business at San Francisco, California. It is engaged principally in the business of generating, buying, transmitting, selling, and distributing electrical energy; of buying, transporting, selling, and distributing natural gas; and of manufacturing, transporting, selling, and distributing manufactured gas. All such gas and electricity are used for light, heat, and power purposes in central and northern California. As an incident to its gas and electric business the Company sells gas and electric appliances at retail. In certain small cities and towns in rural areas it distributes and sells water for domestic and irrigation purposes. It purchases and sells steam to customers in San Francisco and Oakland, California.

The Company is the third largest electric power company in the United States. It is the sole commercial source of electric energy and the only practical commercial source of natural and manufactured gas in the central and northern portion of California. The San Francisco-Oakland area, which is entirely dependent on the Company for electric energy and gas, is one of the foremost industrial and commercial centers in the United States. San Francisco is the distribution center of the West Coast, and as a port ranks second in the United States in the value of water-borne commerce.

The Company owns and operates 49 hydroelectric generating plants and 12 steam electric generating plants, all of which are situated in California. In 1944 its total electrical load, consisting of all electric energy generated, purchased and received on consignment, was 9,549,129,109 kilowatt hours, of which amount 210,973,569 kilowatt hours were purchased from California-Oregon Power Company, which maintains generating plants in both Oregon and California, and delivered to the Company at Delta, California, approximately 70 miles south of the California-Oregon State line. The entire electrical load of the Company is sold and delivered in California. In 1944 it delivered 43,818,205 kilowatt hours, chiefly for use in Nevada, to Sierra-Pacific Power Company, which generates and distributes electric energy in both Nevada and California. The energy is delivered in the Company's transmission lines to Summit, California, 20 miles west of the Nevada-California State line. There the Company's transmission lines connect with the transmission lines of Sierra-Pacific Company, which carry the energy into Nevada.

The Company owns and operates in California a transmission pipe-line system, including a large gas compressor station, for the transportation of natural gas in central and northern California.

It owns and operates 14 gas manufacturing plants, all of which are situated in California. Ten are stand-by plants reserved against the interruption of natural gas service. All the plants are operated by fuel oil or butane produced or purchased in California. Its total sales of gas in 1944 were 153,052,868,000 cubic feet.

A large number of manufacturing industries, including war industries, situated in the area served by the Company and engaged in shipping and receiving commodities in interstate or foreign commerce, are wholly dependent on the Company for gas and electric power which are essential to the operation of their plants. The United States Government purchases large quantities of electricity and gas from the Company for the purpose, among others, of operating its numerous post offices and military installations situated in the area served by the Company. The Company also supplies power to all the newspapers located in the area which it serves, to the Associated Press, to the San Francisco and Oakland airports, to the Dow-Jones and Company ticker service, to oil refineries, shipbuilding and repair concerns and steamship lines, to navigation aids, interstate railroads, telegraph and telephone companies, and to radio broadcasting stations.

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

II. THE ORGANIZATION INVOLVED

Utility Workers Organizing Committee is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

Prior to filing the petition herein, the U. W. O. C. asked the Company for recognition as bargaining representative of clerical employees in the San Francisco Division of the Company's operations. The Company refused recognition, taking the position that the unit proposed by the U. W. O. C. was not an appropriate bargaining unit.

A statement prepared by a Field Examiner and introduced into evidence at the hearing indicates that the U. W. O. C. represents a substantial number of employees in the unit herein found appropriate.²

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.

²The U. W. O. C. submitted 53 authorization cards, 1 undated, 1 dated in 1945, and the remaining dated in 1944, of which 46 bear the names of employees on the Company's pay roll of January 24, 1945. There are approximately 142 employees in the appropriate unit.

IV. THE APPROPRIATE UNIT

The U. W. O. C. contends that office and clerical employees in the San Francisco Division of the Company's operations constitute an appropriate bargaining unit. The Company takes the position that the only appropriate unit for these employees is a system-wide unit, coextensive with its public utility operations. In a prior representation proceeding,³ we found that employees in the outside forces of the San Francisco Division constitute an appropriate bargaining unit. For reasons which we have fully set forth in other cases dealing with the scope of bargaining units for office and clerical employees in the several administrative divisions and operating departments of the Company's utility system,⁴ we find that a unit limited to office and clerical employees in the San Francisco Division is an appropriate unit for bargaining purposes.⁵

The Company and the U. W. O. C. agree that, in accordance with the Board's usual practice, supervisory and confidential employees be excluded from the bargaining unit, and it appears that there is no dispute between them as to the identity of employees so characterized.

We find that all office and clerical employees of Pacific Gas and Electric Company, San Francisco, California, who are employed in the San Francisco Division, excluding confidential employees 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 an election by secret ballot among the employees in the appropriate unit who were employed during the payroll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

³ 45 N. L. R. B. 536.

⁴ 49 N. L. R. B. 810; 51 N. L. R. B. 301; 52 N. L. R. B. 1204; 55 N. L. R. B. 427; and 57 N. L. R. B. 1129

⁵ The Company's headquarters, called the General Offices, having administrative jurisdiction coextensive with its entire system, are physically located in San Francisco. Clerical employees in the San Francisco Division, which is a geographical division, local in scope, occupy, in some instances, office space in a building largely used for the purposes of the General Offices. In view of the administrative plan set up by the Company for the efficiency of its operations, we find that the common use of building space by employees in distinctly separate sectors of its operations does not materially affect the appropriateness of their separation for bargaining purposes.

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 Pacific Gas and Electric Company, San Francisco, California, 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 Twentieth 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 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, to determine whether or not they desire to be represented by Utility Workers Organizing Committee, Local 133, CIO, for the purposes of collective bargaining.

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