

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

*Case No. 1-R-2438.—Decided August 31, 1945*

*Mr. Louis W. Doherty*, of Springfield, Mass., for the Company.  
*Grant & Angoff*, by *Mr. Harold Roitman*, of Boston, Mass., for the  
Union.

*Mr. Samuel G. Hamilton*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by District 50, United Mine Workers of America, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Worcester Gas Light Company, Worcester, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Leo J. Halloran, Trial Examiner. Said hearing was held at Worcester, Massachusetts, on June 22, 1945. The Company and the Union appeared and participated. All 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. 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

Worcester Gas Light Company is a Massachusetts corporation with its principal office and place of business in Worcester, Massachusetts, where it is engaged in the distribution of gas for public consumption. Raw materials used by the Company consist chiefly of coal, coke, and oil. Annually, the Company purchases raw materials valued at approximately \$900,000, more than 90 percent of which is shipped to

its plant from points outside the Commonwealth of Massachusetts. The Company sells and distributes annually gas valued in excess of \$3,000,000. The Company's industrial customers include large manufacturing plants located in Worcester, which are engaged in interstate commerce. The Company also furnishes wholesale gas to the Milford Gas Light Company, the Marlboro-Hudson Gas Light Company, the Dedham & Hyde Park Gas and Electric Company, and the Wachusett Electric Company, all located within the Commonwealth.

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

## II. THE ORGANIZATION INVOLVED

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

## III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of its employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

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 seeks a unit composed of all office and clerical employees, meter readers, collectors, and janitors on the office pay roll of the Company's Worcester office, excluding the secretary to the vice president, executives, the assistant collection supervisor, sales and supervisory employees. Contrary to the Union's position, the Company contends that certain alleged confidential employees should also be excluded. Furthermore, the Company contends that the Union, currently representing the production and maintenance employees of the Company, may not properly represent the office and clerical employees as well.<sup>2</sup>

*Pay-roll clerk:*<sup>3</sup> There are two employees in the pay-roll department known as the supervisor of the pay-roll department and the pay-

<sup>1</sup> The Field Examiner reported that the Union submitted 25 authorization cards; that there were 48 employees in the unit alleged in the petition to be appropriate; and that the cards were all dated April 1945.

<sup>2</sup> We find this latter contention to be without merit. See *Matter of Armour and Company*, 49 N. L. R. B. 688; *Matter of The Babcock & Wilcox Co.*, 52 N. L. R. B. 900.

<sup>3</sup> Agnes Kelleher.

roll clerk. They make up the pay roll, compute the time worked by each employee, the amount earned, and the deductions to be made. They have access to information relating to rates of pay and earnings of other employees. The pay-roll clerk performs no other duties than those involved in making up the pay roll. She performs these duties under the supervisor of the pay-roll department. As the foregoing indicates, the information available to the pay-roll clerk in the normal course of her duties has no direct bearing upon the Company's labor relations. Accordingly, we shall include the pay-roll clerk.<sup>4</sup>

*Telephone switchboard operator:*<sup>5</sup> This employee attends a telephone school and passes on the information she acquires to the relief operators. Although she handles all types of telephone calls, she is not expected to listen to conversations other than to assure herself that a proper connection has been made. Since it appears that in the normal course of her duties she does not acquire confidential information relating to labor relations, we shall include her.<sup>6</sup>

*Secretary to the superintendents of the departments of distribution and utilization:*<sup>7</sup> The record shows that confidential matters respecting the Company's labor relations are discussed and handled in the offices of the department superintendents. The secretary to the superintendents of the departments of distribution and utilization is stationed in their office, takes all their dictation, and handles confidential matters arising in connection with her secretarial duties. It is clear that she performs secretarial duties of a nature which involves knowledge of confidential matters respecting the Company's labor relations. Accordingly, we shall exclude her.

The *secretary to the general superintendent and stores supervisor*<sup>8</sup> occupies substantially the same position as the secretary to the superintendents of the departments of distribution and utilization.<sup>9</sup> We shall, therefore, also exclude the former from the unit.

We find that all office and clerical workers on the office pay roll of the Company's Worcester, Massachusetts, office, including meter readers, collectors, the pay-roll clerk, the telephone switchboard operator, and the office janitors, but excluding sales employees, the secretary to the superintendents of the departments of distribution and utilization, the secretary to the general superintendent and stores supervisor, the secretary to the vice president, executives, the assistant collection supervisor, and all other supervisory employees with authority to hire,

<sup>4</sup> See *Matter of Micamold Radio Corporation*, 58 N. L. R. B. 888, *Matter of Columbia Steel & Shafting Company, et al*, 60 N. L. R. B. 301.

<sup>5</sup> Grace P. Crotty.

<sup>6</sup> See *Matter of Sinclair Rubber Inc.*, 62 N. L. R. B. 1183, *Matter of Firestone Tire & Rubber Company*, 62 N. L. R. B. 942.

<sup>7</sup> Margaret Kennedy.

<sup>8</sup> Margaret Clifford.

<sup>9</sup> Each of these employees serves at times as the operator of the telephone switchboard.

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 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 Worcester Gas Light Company, Worcester, Massachusetts, 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 the 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 District 50, United Mine Workers of America, for the purposes of collective bargaining.