

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

Case No. 21-R-2719.—Decided August 31, 1945

Gibson, Dunn & Crutcher, by *Mr. F. O. Field*, of Los Angeles,
Calif., for the Company.

Mr. David Sokol, of Los Angeles, Calif., for the Union.

Mr. Nathan Saks, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Brotherhood of Electrical Workers, Local B-18, AFL, herein called the Union, alleging that a question 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 provided for an appropriate hearing upon due notice before William B. Esterman, Trial Examiner. Said hearing was held at Los Angeles, California, on May 18, 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

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 municipalities and to private enterprises. Among the latter group is the Pacific Gas & Electric Company, to which the Company delivered more than \$2,500,000 worth of electric power during 1942. The total wholesale electric power so delivered to municipalities and private companies during any year exceeds \$3,400,000 in value.

The Company admits, and we find, 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, affiliated with the American Federation of Labor, 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 unless and until the Union has been certified by the Board in an appropriate unit.

A statement of the Trial Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

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 of all employees in the Commercial Department of the Company working in the districts of Compton, Montebello, Huntington Park, Whittier, and Vernon City, excluding supervisory employees. The Company contends that only a system-wide unit, consisting of all employees in its entire Commercial Department, is appropriate, and in the alternative, that if the Board directs an election in the unit petitioned for, the exclusions therefrom should be much broader than those desired by the Union.

¹ The Trial Examiner reported that the Union submitted 60 designation cards which bore apparently genuine, original signatures; that the names of 36 persons appearing on the cards were listed on the Company's pay roll of April 30, 1945, which contained the names of 116 employees in the alleged appropriate unit.

We have recently had occasion to review generally the functional operations and the administrative organization of the Company.² In the face of a contention by the Company that only a system-wide unit composed of all employees of the Company, with the exception of commercial, supervisory, and plant-protection employees, constituted an appropriate unit, we said that:

It is evident, therefore, that because of the centralized and closely integrated nature of the Company, the system-wide unit advocated by it is, ultimately, the appropriate one. However, it is also apparent that the area of the Company's operations is too large for the conducting of immediate and simultaneous organizational activities for the purposes of collective bargaining on a system-wide basis. Therefore, in order to render collective bargaining a more immediate possibility, it is necessary that such interim collective bargaining be conducted upon the basis of units less than system-wide. However, such interim units must be identifiable and possess a degree of homogeneity sufficient to permit their functioning as separate bargaining units.

We there noted that the Company's EDS Department was divided into 31 districts, and concluded that a unit consisting of the employees in an administrative group of 3 EDS districts situated close together geographically constituted an interim unit appropriate for collective bargaining purposes.

The Commercial Department of the Company has about 800 employees. Its general function is customer contact, which consists of making and turning off connections, reading meters, handling domestic and industrial sales, and billing and collecting accounts. The Department is divided into 31 districts which coincide geographically with the 31 EDS districts of the Company. Although it is not established that the Commercial Department is presently divided into administrative groups, each consisting of several districts, as is the EDS Department, the unit sought herein does consist of 5 Commercial districts coinciding geographically with one of the EDS administrative groups.³ It appears further that each of the 5 districts has, in general, the same categories of employees doing substantially similar work.

In view of the foregoing, we are of the opinion that the interim unit sought comprises an identifiable group of employees having similar

² *Matter of Southern California Edison Company, Ltd.*, 55 N L R B. 201

³ Although the union in the prior case did not seek to represent the employees in the EDS administrative group whose districts coincide geographically with, and bear the same names as, the Commercial districts involved in this case, we adverted to the grouping and implied that an interim unit of employees in that EDS administrative group could function together for collective bargaining purposes.

duties and functions which would permit them to act together for the purposes of collective bargaining.

Employees whose exclusion is requested by the Company on the ground that they are supervisory

Chief Accountants: These employees are in charge of the book-keeping departments in the respective district offices to which they are assigned. They direct and supervise the work of the bookkeepers and accountants in their departments, but the record indicates that they do not have the authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of any employees. Accordingly, we shall include the chief accountants in the unit hereinafter found appropriate.

Assistant Chief Accountants: The Company normally employs this category of employee in its Commercial district offices. However, in view of the fact that no assistant chief accountants are presently employed by the Company in any of the district offices in the unit sought, we shall make no determination with respect to their inclusion in or exclusion from the unit.

Utility Accountant: This employee works in the Huntington Park district office as an assistant to the chief accountant in that office. He assists the chief accountant in directing and supervising the work of the bookkeeper and the other accountants in the office, and he substitutes for the chief accountant in the latter's absence. However, as in the case of the chief accountant, the evidence indicates that the utility accountant does not have supervisory authority within the meaning of our customary definition. We shall, therefore, include him in the unit.

Credit Agents: The chief function of these employees is to check the credit ratings of new customers in their districts, and to determine therefrom the amount of deposit that the customer is required to make in order to obtain service. It appears that they do not use their independent judgment in establishing whether credit should be extended or the amount of deposit that should be required, since this is done in accordance with fixed company rules. They are also responsible for the collection of all delinquent accounts in their districts. In making such collections, however, they have no authority to reduce a customer's bill, but may make only tentative settlements which are subject to the approval of the office manager. Although credit agents do, to some extent, direct the work of the collection department clerks and commercial service men, it does not appear that they have the authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of any employees, or effectively recommend such action.

Accordingly, since credit agents are not supervisory employees within the meaning of our customary definition, and since their functions with respect to credit ratings and deposits of customers are not managerial in nature, we shall include them in the unit.

Chief Collectors: In its smaller district offices the Company employs chief collectors instead of credit agents. Their duties and authority are substantially the same as those of credit agents. Accordingly, for the same reasons set forth with respect to credit agents, we shall include chief collectors in the unit.

Local Agents: In localities with closely concentrated population the Company maintains small local offices which are under the supervision of local agents. The chief duties of the local agents consist of receiving customer payments and making office sales. Each local office has from one to four employees working under the direction of the local agent. The evidence fails, however, to establish that the local agents have supervisory authority within the meaning of our customary definition. We shall include the local agents in the unit.

Employees whose exclusion is requested by the Company on the ground that they are confidential

Stenographers: In each of the five districts, the Company employs a stenographer who acts as secretary to the district manager. The duties of all five stenographers are substantially the same. They take dictation from the district manager, file his correspondence, and arrange his appointments. The record indicates that the district managers handle labor relations matters in their respective districts, and that some of their dictation and correspondence relates to such matters. Thus, since the stenographers, in the normal course of their duties, have access to confidential matters pertaining to labor relations, we shall exclude them from the unit.

Lighting Bookkeeper "O": This employee handles all pay-roll records at the Huntington Park district office. She is also charged with the responsibility of keeping all confidential personnel records in that office. Since she has access to confidential matters pertaining to labor relations in the normal course of her duties, we shall exclude her from the unit.

Employees whose exclusion is requested by the Company on the ground that they are managerial

Power Consultants: The main function of these employees is to advise consumers as to their power needs with respect to both equipment and type of service. In performing this work they use the rate book of the Company, which contains its rates, rules, and regulations. It appears, therefore, that the power consultants, although they exercise

a certain amount of independent judgment in making their recommendations to customers, do not have the authority to deviate from the Company's established rates and rules with respect to power service. In view of these facts, we are of the opinion that the functions of the power consultants are not managerial in nature; nor does it appear that they have supervisory authority. We shall include power consultants in the unit.

Industrial Lighting Consultants: The duties and authority of these employees with respect to industrial lighting service are substantially similar to those of the power consultants with respect to power service. Accordingly, for the same reasons set forth with respect to power consultants, we shall include industrial lighting consultants in the unit.

We find that all employees in the Commercial Department of the Company working in the districts of Compton, Montebello, Huntington Park, Whittier, and Vernon City, including chief accountants, utility accountant, credit agents, chief collectors local agents, power consultants, and industrial lighting consultants, but excluding stenographers, lighting bookkeeper "C," 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.

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 Southern California Edison Company, Ltd., Los Angeles, 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 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 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 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 International Brotherhood of Electrical Workers, Local B-18, A. F. L., for the purposes of collective bargaining.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.