

In the Matter of WEST COAST TELEPHONE COMPANY and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL

In the Matter of WEST COAST TELEPHONE COMPANY and AMERICAN COMMUNICATIONS ASSOCIATION, CIO

Cases Nos. 19-R-1501 and 19-R-1509, respectively.—Decided October 12, 1945.

Mr. Paul H. Graves, of Spokane, Wash., and Mr. Ray Dalton, of Everett, Wash., for the Company.

Messrs. Roy W. Atkinson and W. M. Olson, of Seattle, Wash., for the CIO.

Messrs. L. Presley Gill and Della E. McIntyre, of Seattle, Wash., for the IBEW.

Coleman & Coleman, by Mr. Thomas McCrea, of Everett, Wash., and Mr. A. W. Goodspeed, of Marshfield, Oreg., for the ICE.

Mr. Sidney Grossman, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon separate petitions duly filed by the International Brotherhood of Electrical Workers, AFL, herein called the IBEW, and by the American Communications Associations, CIO, herein called the CIO, alleging that a question affecting commerce had arisen concerning the representation of employees of the West Coast Telephone Company, Everett, Washington, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Joseph D. Holmes, Trial Examiner. The hearing was held at Everett, Washington, on June 7 and 8, 1945. The Company, the IBEW, the CIO, and the Independent Communications Employees, herein called the ICE, 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

West Coast Telephone Company, a Washington corporation, is engaged in the operation of telephone systems in various small communities throughout the States of Oregon, Washington, and California. It owns the West Coast Telephone Company of California which operates the California section of its business as a subsidiary corporation. The Company's telephone systems transmit calls to local stations and across State lines between its stations throughout the three States. Messages are also transmitted throughout the Nation through inter-connecting facilities with the Bell Telephone System.

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

II. THE ORGANIZATIONS INVOLVED

International Brotherhood of Electric Workers, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

American Communications Association, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

Independent Communications Employees, unaffiliated, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The CIO requests a unit consisting of plant, traffic, and commercial employees in the Company's Everett, Washington, district, excluding supervisory employees. The AFL also desires to represent the employees confined to the Everett district, but would exclude therefrom commercial as well as supervisory employees. The ICE urges the appropriateness of a system-wide unit consisting of all the Company's employees coextensive with the unit for which it is now recognized as the bargaining representative in its current recognition agreement with the Company. The Company contends that separate system-wide departmental units are appropriate.

The Company's local service area is included within the following five districts embracing parts of three States: Everett, Washington; Forest Grove, Washington and Oregon; La Grand, Oregon, Klamath, Oregon; and Marshfield, Oregon and California.¹ A general manager

¹ The California section of the Marshfield district is operated by the West Coast Telephone Company of California.

at Everett, which is the Company's home-office, has general supervision over the Company's system-wide operations; district supervision rests in the district manager. Following the general pattern adopted by other telephone companies, a district is divided into three departments² corresponding to the following three groups of employees: plant department, consisting of construction and maintenance employees; traffic department, consisting of telephone operators; and commercial department, consisting of clerical employees.

Company policies, including matters relating to labor, are centrally formulated at Everett and are applied uniformly throughout the entire system. Record keeping is also largely centralized, wage schedules for comparable duties are uniform throughout the system, and an over-all rate differential is generally maintained between the departments. As in the case of other telephone companies, the Company's operations are highly integrated and a functional similarity of duties with respect to employees in the same department exists throughout the system. Although interchange among the employees in the five districts is not appreciable, employees may be assigned to work in other districts. Under similar circumstances, we have held that a system-wide unit of a public utility is appropriate whenever there is a labor organization in a position to represent employees throughout the system.³

The ICE has been accorded recognition as the bargaining representative of all the Company's employees throughout its system since 1937. It is now operating under a system-wide recognition agreement entered into with the Company on July 22, 1941.⁴ Its organization has been adjusted to coincide with the geographical area served by the Company. A separate district board represents the employees in each district and separate locals represent each department within a district. Although by the terms of the 1941 agreement, the district board possesses authority to execute working agreements with the Company with respect to wages and other conditions of employment affecting the employees within a district, in practice, negotiations are conducted through each local which, in conjunction with the district board, consummates any working agreement resulting therefrom. Working agreements are substantially uniform departmentally throughout the system. The executive board of the ICE coordinates the activities of the districts and at its annual meetings considers problems common to all employees. The evidence clearly reveals that

² This departmental division is mandatory in accordance with the bookkeeping regulations of the Federal Communications Commission.

³ See *Matter of Florida Power & Light Company*, 63 N. L. R. B. 484.

⁴ The ICE does not have an agreement with the Company covering commercial employees in Oregon and California, inasmuch as such employees are too few in number, nor has it organized a local in the Klamath district. However, the wage schedules and working conditions formulated under the contract with the ICE are equally applied to the foregoing groups.

bargaining on a local level has not established separate and independent relations, but constitute an integral part of the broad bargaining relations between the Company and the ICE within the framework of their system-wide recognition agreement. It is therefore evident that the ICE has not only been successful in organizing the Company's employees in a system-wide unit, but actively represents them upon such basis. In view of these facts we find that a system-wide unit is presently appropriate for the purposes of collective bargaining on behalf of the employees here involved.⁵ We shall, therefore, dismiss the petitions for investigation and certification filed by the CIO and the IBEW.⁶

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since the bargaining unit sought to be established by the petitions is not appropriate as found in Section III, above, we find that no question has arisen concerning representatives of employees of the Company within the meaning of Section 9 (c) of the National Labor Relations Act.

ORDER

IT IS HEREBY ORDERED that the petitions for investigation and certification of representatives of employees of West Coast Telephone Company, Everett, Washington, filed herein by the International Brotherhood of Electrical Workers, AFL, and by the American Communications Association, CIO, be, and they hereby are, dismissed.

⁵ See *Matter of Southern Bell Telephone and Telegraph Company*, 55 N. L. R. B. 1058; *Matter of American Telephone and Telegraph Company*, 55 N. L. R. B. 327; *Matter of Southern California Telephone Company*, 58 N. L. R. B. 17, *Matter of Michigan Bell Telephone Company*, 58 N. L. R. B. 622, *Matter of Illinois Consolidated Telephone Company*, 61 N. L. R. B. 447.

⁶ Inasmuch as we are dismissing the petitions herein, we find it unnecessary to determine the appropriateness of system-wide departmental units as urged by the Company.