

In the Matter of METROPOLITAN LIFE INSURANCE COMPANY and INTER-
NATIONAL UNION OF LIFE INSURANCE AGENTS

Case No. 18-R-1998.—Decided October 22, 1945

Mr. Harry D. Guthrie, of New York City, for the Company.
Mr. Ray T. McCann, of Milwaukee, Wis., for the Independent.
Mr. Joe Moran, of Chicago, Ill., for the CIO.
Mr. Glenn L. Moller, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Union Life Insurance Agents, herein called the Independent, alleging that a question affecting commerce had arisen concerning the representation of employees of Metropolitan Life Insurance Company, New York City, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Clarence A. Meter, Trial Examiner. The hearing was held at Des Moines, Iowa, on July 18, 1945. The Company, the Independent, and United Office & Professional Workers of America, CIO, herein called the CIO, 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

Metropolitan Life Insurance Company is a New York corporation having its home office in New York City. The Company is engaged in insuring the lives and health of its policyholders. On December 31, 1944, the Company had approximately 41,500,000 policies in force

with a total face value of approximately \$30,700,000,000. Of these policies 328,000, having a face value of approximately \$149,000,000, were serviced in the Company's District Offices in the State of Iowa. It had approximately 31,060,000 policyholders residing in 48 States of the United States, the District of Columbia, and Canada. On December 31, 1944, the Company's assets totaled \$6,995,450,571, consisting of cash, Government bonds, stocks, mortgages on real estate, real estate and policy loans and notes. All securities purchased by the Company are delivered to its home office in New York. The Company owns its home office property in New York City, and other properties used in the administration of its business throughout the United States and Canada. The Company manages its real estate through 89 real estate agents in 17 States of the United States and in Canada. During the 5-year period from 1940 to 1944, the Company annually invested in bonds, stocks, and mortgages approximately \$1,063,300,000.

During 1944 the Company purchased approximately \$87,185 worth of furniture, fixtures, and mechanical equipment for use in its business, of which equipment more was shipped to the Company or one of its offices from the State of New York than from any other State, and approximately 5 percent of the equipment was shipped from the State of New York to other States. During 1944, the Company purchased approximately \$1,050,946 worth of stationery supplies and paper, substantial portions of which were shipped to the Company's offices from States other than the States of their destination. During the year 1944 the Company spent approximately \$2,606,398 for postage, telephone, telegraph, and express services. In the same period it spent \$2,864,702 for traveling expenses.

On December 31, 1944, there were 7 District Offices located in the State of Iowa and 132 agents attached to those offices.

We find that the widespread business and financial activities of the Company have a direct and substantial effect upon interstate commerce and that the Company is engaged in commerce within the meaning of the Act.

II. THE ORGANIZATIONS INVOLVED

International Union of Life Insurance Agents is an unaffiliated labor organization, admitting to membership employees of the Company.

United Office & Professional Workers of America, affiliated with the Congress of Industrial Organizations, 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 Independent as the exclusive representative of the agents attached to its Iowa District Offices until the Independent 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 Independent 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 parties agree that the State-wide unit hereinafter described is appropriate for the purposes of collective bargaining. We have frequently found appropriate, absent self-organization on a broader basis, State-wide units such as the one here proposed and we find that such a unit is appropriate in the instant proceeding.²

We find that all agents of the Company who sell industrial life insurance and who are attached to and work out of district or detached offices in the State of Iowa, including canvassing, regular, office account and detached agents, but excluding independent and retired agents, managers, assistant managers, clerks, cashiers, secretaries and all other employees, 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,

¹ The Field Examiner reported that the Independent submitted 47 authorization cards, 40 of which bore the names of persons listed on the Company's pay roll of June 2, 1945, which contained the names of 128 employees in the appropriate unit.

The CIO submitted 20 application cards, all of which bore the names of persons listed on the aforesaid pay roll.

² *Matter of The Prudential Insurance Company of America*, 47 N. L. R. B. 1103, 49 N. L. R. B. 450, 50 N. L. R. B. 689, and cases cited therein.

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 Metropolitan Life Insurance Company, New York City, 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 Eighteenth 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 of 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 they desire to be represented by International Union of Life Insurance Agents, or by United Office & Professional Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining, or by neither.

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