

In the Matter of WEST COAST TELEPHONE COMPANY and NORTHWEST
COMMUNICATIONS COUNCIL OF THE INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL
In the Matter of WEST COAST TELEPHONE COMPANY and INDEPENDENT
COMMUNICATIONS EMPLOYEES

*Cases Nos. 19-R-1656 and 19-R-1675, respectively.—
Decided March 22, 1946*

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

*Messrs. Thomas G. McCrea and Kenneth E. Tallmadge, of Everett,
Wash., for the ICE.*

*Messrs. L. Presley Gill, G. S. Winter, and Miss Della E. McIntyre,
of Seattle, Wash., for the IBEW.*

Mr. Sidney Grossman, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon separate petitions filed by the Northwest Communications Council of the International Brotherhood of Electrical Workers, AFL,¹ herein called the IBEW, and the Independent Communications Employees, herein called the ICE, each 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 in Everett, Washington, on January 22, 1946. The Company, the IBEW, and 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.

¹ The Council, which is comprised of Locals 48 and 77 of the IBEW, was formed for the purpose of organizing communications employees in the States of Oregon and Washington.

At the hearing, the Trial Examiner reserved ruling upon the ICE's motion to dismiss the IBEW's petition on the ground that the unit petitioned for therein is inappropriate. For the reasons set forth in Section IV, *infra*, the motion is denied. The Trial Examiner also reserved ruling upon the motions of the Company and the ICE to dismiss the IBEW's petition for the alleged reason that the petitioner in Case No. 19-R-1656 is not the real party in interest. The motions are hereby denied. 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 also are transmitted throughout the Nation through interconnecting 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

Northwest Communications Council of the International Brotherhood of Electrical Workers, affiliated with the American Federation of Labor, 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 QUESTION CONCERNING REPRESENTATION

The Company refuses to grant recognition to the ICE and the IBEW as the exclusive bargaining representative of the employees each seeks to represent.

A statement of a Board agent, introduced into evidence at the

hearing, indicates that the IBEW represents a substantial number of the employees in the unit hereinafter 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.

IV. THE APPROPRIATE UNIT

The IBEW requests a unit consisting of all plant and traffic department employees throughout the Company's system, excluding commercial department and supervisory employees. The ICE seeks a system-wide unit of all employees of the Company, including employees in the commercial department. The Company contends that separate system-wide units for each of its three departments are appropriate and, as an alternative, asserts its preference for the unit sought by the ICE.

The Company's local service area is included within five districts embracing parts of three States. Each district is divided into three departments corresponding to the following groups of employees: plant department, consisting of construction and maintenance employees; traffic department, consisting of telephone operators; and commercial department, consisting of clerical employees. Inasmuch as all the parties are in agreement as to the propriety of a system-wide unit, the only issue with which we are here concerned is whether the employees in the plant and traffic departments, as well as those in the commercial department, should be included in a single system-wide unit or constitute separate appropriate units.

The ICE has been accorded recognition as the bargaining representative of all the Company's employees throughout its system since 1937. In July 1941, it entered into a recognition agreement with the Company wherein it was recognized as the exclusive bargaining representative of all employees of the Company throughout its system. The various locals of the ICE, however, have each entered into separate working agreements with the Company generally in behalf of each department within a district.³ The executive board of the ICE coordinates the activities of the districts and at its annual meetings considers problems common to all employees. In the prior proceeding involving certain of the Company's employees, we found that a unit

² The Field Examiner reported that the IBEW submitted 145 cards, bearing the names of 144 employees on the Company's pay roll, in an alleged appropriate unit consisting of 468 employees. The ICE relies upon its contracts with the Company as evidence of its representation interest.

³ Separate locals of the ICE represent each of the departments in the Everett district and in the Forest Grove district, which include the major portion of the Company's personnel. Plant and traffic department employees of the LaGrande district and of the Marshfield district are each represented by a single local. No local has been organized in the Klamath district.

confined to the employees in one district of the Company was inappropriate.⁴ However, no determination was made as to whether the interest of the employees would be more appropriately served by a system-wide departmental unit, as urged by the Company, or by a unit broader in scope, as requested by the IBEW and the ICE.

Although a departmental division of employees exists because of functional differences and variances in working conditions,⁵ it is nevertheless our conviction that the employees in all three departments of the Company may bargain successfully in a single system-wide unit; all three have a common interest in the rendition of service to the public.⁶ The Company's operations are highly integrated and its managerial policies are centrally formulated. Moreover, as indicated in the prior proceeding, the method employed in effectuating a working relationship between the Company and the ICE for bargaining purposes has not established separate and independent relations on a local or departmental level, but exists within the framework of the comprehensive recognition agreement. In view of the foregoing, we find that plant, traffic, and commercial employees throughout the Company's system may bargain collectively in a single unit.

We find that all employees of the Company's plant, traffic, and commercial departments throughout its system, excluding 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 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

⁴ See *Matter of West Coast Telephone Company*, 64 N. L. R. B. 70.

⁵ This department division also is mandatory in accordance with the bookkeeping regulations of the Federal Communications Commission.

⁶ See *Matter of Illinois Consolidated Telephone Company*, 61 N. L. R. B. 447; *Matter of Southern Bell Telephone and Telegraph Company*, 55 N. L. R. B. 1058.

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with West Coast Telephone Company, Everett, Washington, 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 Nineteenth 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 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 they desire to be represented by Northwest Communications Council of the International Brotherhood of Electrical Workers, AFL, or by Independent Communications Employees, for the purposes of collective bargaining, or by neither.