

In the Matter of PACIFIC GAS AND ELECTRIC COMPANY, EMPLOYER
and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL
1245, A. F. L., PETITIONER

Case No. 20-R-1791.—Decided September 5, 1946

Mr. J. Paul St. Sure and Mrs. Anne Christiansen, of San Francisco, Calif., for the Employer.

Messrs. Charles W. Mason and H. M. Scoble, of San Francisco, Calif., for the Petitioner.

Mrs. Augusta Spaulding, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at San Francisco, California, on July 19, 1946, before Thomas J. Davis, Jr., Trial Examiner. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Pacific Gas and Electric Company, a public utility corporation organized under the laws of California, is engaged in the generation, buying, transmitting, selling and distribution of electrical energy, natural gas, and manufactured gas in the central and northern portion of the State of California. It sells gas and electric power to a large number of manufacturing industries engaged in interstate and foreign commerce and to the United States Government which operates post offices and military installations located in the area served. The Employer also supplies power to the San Francisco and Oakland airports, shipbuilding and repair concerns, steamship lines, railroad, telephone and telegraph companies, and radio broadcasting stations.¹

¹ A more detailed statement of the Employer's operations is set forth in a Decision and Direction of Election, issued in an earlier proceeding, involving employees in its Stockton Division. *Matter of Pacific Gas and Electric Company*, 61 N. L. R. B. 564. The parties entered into stipulation in the instant case bringing up to date certain figures relating to quantities, loads, and amounts in the volume of the Employer's business currently done.

We find that the Employer is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

The Petitioner is a labor organization affiliated with the American Federation of Labor, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Petitioner as the exclusive bargaining representative of employees of the Employer until the Petitioner has been certified by the Board in an appropriate unit.

On April 14, 1945, the Board issued a Decision and Direction of Election in Case No. 20-R-1295, a prior representation proceeding concerning the Employer's clerical employees in the Stockton Division.² On May 17, 1945, when the results of the election disclosed that no bargaining representative had been selected by a majority of employees participating therein, the Board dismissed the petition. The Employer contends that the Board should not entertain the instant petition covering these employees at this time. We find no merit in this contention. More than a year has elapsed since the prior petition was dismissed. A new election held at this time may result in the selection of a bargaining representative.

We find that a question affecting commerce has arisen concerning the representation of employees of the Employer, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

In the prior representation proceeding noted in Section III, above, the Board found that all office and clerical employees of the Employer in the Stockton Division, including pay clerks but excluding confidential employees and all supervisory employees within our usual definition of that term, constituted an appropriate bargaining unit. Subject to one exception discussed below, no changes have taken place in the job classifications of employees covered by the described unit.³

The Employer urges, as in the prior proceedings, that certain payroll clerks be excluded from the bargaining unit as confidential employees, on the ground that some files to which they have occasional access contain personnel and pay-roll data, interspersed in the same file. For reasons which we set forth in our decision in the prior proceeding, we find no merit in this contention.

² See footnote 1, above.

³ For the purposes of our decision in the instant proceeding, the parties stipulated that the record in Case No. 20-R-1295 should be deemed part of the official record in the instant case.

The position of service adjuster has apparently been added to the office force during the past year. This employee works at a counter in the Stockton office, answering questions and adjusting complaints raised by customers concerning bills rendered to them for services performed by the Employer. His duties are routine in nature. He has no supervisory authority. His duties are clearly distinguishable from those of the special representatives in the Service Bureau, who investigate complaints in the field and negotiate settlements in connection with service. In accordance with the agreement of the parties, we will include the service adjuster in the unit.

We find that all office and clerical employees in the Employer's Stockton Division, including the service adjuster and pay-roll clerks, but excluding confidential employees 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.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Pacific Gas and Electric Company, San Francisco, 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 Twentieth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of National Labor Relations Board Rules and Regulations—Series 3, as amended, 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 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 the A. F. of L., International Brotherhood of Electrical Workers, Local 1245,⁴ for the purposes of collective bargaining.

MR. JAMES J. REYNOLDS, JR., took no part in the consideration of the above Decision and Direction of Election.

⁴ The Petitioner desires that its name appear upon the ballot, as set forth in the Direction of Election. In any certification of representatives which we may issue as a result of this election, the name of the Petitioner will appear as on the ballot.