

In the Matter of AMERE GAS UTILITIES COMPANY, EMPLOYER and  
UNITED CONSTRUCTION WORKERS, AFFILIATED WITH UNITED MINE  
WORKERS OF AMERICA, PETITIONER

In the Matter of AMERE GAS UTILITIES COMPANY, EMPLOYER and  
OIL WORKERS INTERNATIONAL UNION, C. I. O., PETITIONER

*Cases Nos. 9-R-2446 and 9-R-2514, respectively.—Decided May 8,  
1947*

*Messrs. R. K. Talbot, W. M. Reeser, and J. M. Wilson, of Charleston,  
W. Va., for the Employer.*

*Messrs. Sidney C. Boax and Howard Knuckles, of Beckley, W. Va.,  
for the Construction Workers.*

*Mr. M. G. Crews, of Princeton, W. Va., and Mr. Harry L. Dren-  
ner, of Seth, W. Va., for the Oil Workers.*

*Mr. Leonard J. Mandl, of counsel to the Board.*

## DECISION

AND

## DIRECTION OF ELECTION

Upon petitions duly filed, a consolidated hearing in this case was held at Beckley, West Virginia, on March 4, 1947, before Allen Sinzheimer, Jr., hearing officer. The hearing officer'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

Amere Gas Utilities Company, a West Virginia public service corporation, is engaged in the business of selling natural gas to consumers in seven counties in the southern part of West Virginia. It is the major source of gas for the region that it serves. During 1945, it sold approximately 594 million cubic feet of natural gas valued at about \$338,580, all of which was purchased by domestic consumers for use as heating and cooking fuel, except for an amount of gas value at about

\$4,200, which was purchased by Beckley Machine Electric Company<sup>1</sup> for industrial use. During the same period, the Employer purchased 88 percent of the gas it sold from Ravenscliff Development Company, which is engaged in the intrastate production and sale of natural gas, and the remaining 12 percent from Atlantic Seaboard Corporation, which obtained approximately 70 percent of the gas it sold to the Employer from sources within the State of Kentucky. Purchases, sales, and sources of supply during 1946 were approximately the same as for 1945.

The Employer is a wholly owned subsidiary of Atlantic Seaboard Corporation which, in turn, is a wholly owned subsidiary of Columbia Gas and Electric Corporation, a utility holding and operating company. During 1946, Columbia Gas and Electric Corporation had a gross income of more than \$95,000,000. Columbia's subsidiaries are divided into three geographical groups called the Pittsburgh group, the Columbus group, and the Charleston group, respectively. The subsidiaries of Columbia operate in 7 States. Atlantic Seaboard Corporation, which is one of 12 corporations comprising the Charleston group operates a pipe line through several States and sells gas wholesale to various subsidiaries and other retail gas companies. During 1946, Atlantic had a gross income of over \$8,000,000.

All the corporations in the Charleston group have the same officers, labor relations director, and general counsel, except that each subsidiary has its own operating vice president, in addition to the officers in common. All the business of the Charleston group is controlled from Charleston, West Virginia, where directors' meetings are held, and management committees representing the companies comprising the Charleston group meet for the purpose of formulating policies, including labor relations policies, applicable to all companies within the group.

We find, contrary to the contention of the Employer, that it is engaged in commerce within the meaning of the National Labor Relations Act.<sup>2</sup>

## II. THE ORGANIZATION INVOLVED

United Construction Workers, herein called the Construction Workers, is a labor organization affiliated with United Mine Workers of America, claiming to represent employees of the Employer.

<sup>1</sup> Beckley Machine Electric Company is engaged in the business of repairing coal mine machinery.

<sup>2</sup> See *Matter of Pilotless Plane Division, Fairchild Engine and Airplane Corporation*, 72 N. L. R. B. 381; *Matter of St Joseph Lead Company and Lead Belt Water Company*, 66 N. L. R. B. 560.

Oil Workers International Union, herein called the Oil Workers, is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

### III. THE QUESTION CONCERNING REPRESENTATION

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

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

The Construction Workers seeks a unit of all production and maintenance employees at the Employer's Beckley office including janitors, general utility men, and welders, but excluding office and clerical employees, the local manager and other supervisors. The Oil Workers seeks a system-wide unit of the same categories of employees. The Employer also desires a system-wide unit. There is no dispute as to categories of employees to be included and excluded.

The Employer maintains offices at Lewisburg, Princeton, Mullins and Beckley, West Virginia, for servicing its operations. All offices are within a radius of about 40 miles. There are approximately 8 production and maintenance employees in the Lewisburg office, 10 in the Princeton office, 3 in the Mullins office, and 24 in the Beckley office. The Beckley office is the main office and is the headquarters for repair crews working on jobs in the entire territory served by the Employer. However, each of the other offices has a small crew for making minor repairs. Although pay rolls are prepared and employees' checks are distributed in each local office, all pay rolls are forwarded to the Beckley office where the salary checks are prepared. Each office is under the supervision of a local manager, who has the authority to hire and discharge employees. All hiring must eventually be approved by the Employer's vice president, whose office is at Beckley. Personnel records of employees at all offices are kept at Beckley. Wage scales, hours of work, and working conditions are uniform in all offices and seniority is on a company-wide basis. All offices are operated as parts of a single unit with the same over-all supervision and labor relations policy. There is some interchange of employees among offices.

The Construction Workers has organized only the Beckley employees, whereas the Oil Workers has organized the employees in all the Employer's offices.

From the foregoing it is apparent that the interests of the employees in all of the Employer's offices are similar. Under like circumstances, we have repeatedly held that a system-wide unit of public utility employees is appropriate whenever there is a labor organization in a position to represent all employees in the system.<sup>3</sup>

Accordingly, we find that all production and maintenance employees of the Employer at all its offices, including general utility men, janitors, and welders, but excluding office and clerical employees, foremen, local managers, and all other 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 <sup>4</sup>

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Amere Gas Utilities Company, Beckley, West Virginia, 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 Ninth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Sections 203.55 and 203.56, of National Labor Relations Board Rules and Regulations—Series 4, 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 they desire to be represented by United Construction Workers, affiliated with United Mine Workers of America, or by Oil Workers International Union, C. I. O., for the purposes of collective bargaining, or by neither.

CHAIRMAN HERZOG took no part in the consideration of the above Decision and Direction of Election.

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<sup>3</sup> *Matter of The Ohio Public Service Company*, 69 N. L. R. B. 1089; *Matter of Wisconsin Power & Light Co.*, 67 N. L. R. B. 1219, *Matter of Florida Power & Light Company*, 63 N. L. R. B. 484, *Matter of Union Electric Company of Missouri*, 59 N. L. R. B. 276.

<sup>4</sup> Any participant in the election herein directed may, upon its prompt request to, and approval thereof by, the Regional Director, have its name removed from the ballot.