

SOUTH JERSEY GAS COMPANY *and* SOUTH JERSEY GAS WORKERS
INDEPENDENT FEDERATION

SOUTH JERSEY GAS COMPANY *and* AMERICAN FEDERATION OF LABOR,
PETITIONER

SOUTH JERSEY GAS COMPANY *and* SOUTH JERSEY GAS WORKERS
INDEPENDENT FEDERATION. *Cases Nos. 4-RM-129, 4-RC-1749, and*
4-RC-1780. January 13, 1953

Decision and Direction of Election

Upon separate petitions duly filed under Section 9 (c) of the National Labor Relations Act, a consolidated hearing was held before Ramey Donovan, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Murdock, and Styles].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.

2. The Employer and the South Jersey Gas Workers Independent Federation, hereinafter referred to as the Independent, moved to dismiss the petition in Case No. 4-RC-1749 on the ground that the American Federation of Labor intends to establish, subsequent to any election directed herein, a local union which will serve as the representative of the employees concerned in this proceeding. They contend that such local union must be a party to this proceeding and that it must comply with Section 9 (f), (g), and (h) of the Act. The AFL is in compliance with the above section. The Employer and the Independent do not argue to the contrary. Whether or not the local union is established and whether or not its officers will comply with the Act is conjectural. The contentions of the Employer and Independent are, at the least, premature. Their motions to dismiss are hereby denied.¹

The labor organizations involved claim to represent employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

4. The Independent seeks to represent, as one appropriate unit, all operating and maintenance employees in the distributing and manu-

¹ *Granite Textile Mills, Inc.*, 76 NLRB 613; *New Castle Products Inc.*, 99 NLRB 811.
102 NLRB No. 13.

facturing departments of the Employer's Atlantic City division together with all clerical employees employed at this division. The AFL seeks to represent the same group of operating and maintenance employees together with only those clerical employees at the division who are under the supervision of the superintendent of distribution. The Employer contends that all clericals should be excluded from the unit.

The Employer employs two groups of clerical employees, one at its general office building and the other at its garage or equipment building adjacent to its general office building. The AFL seeks to include within the unit only those clericals employed at the garage, whereas the Independent requests the inclusion of all clerical employees of the Atlantic City division.

The garage clericals perform ordinary dispatching and storeroom clerical duties, are paid on an hourly basis, and come in contact with the regular distribution employees. As was hereinbefore mentioned, they are under the supervision of the superintendent of distribution. The clericals employed in the office perform general clerical functions, are paid on a salary basis, and have little contact with any of the operating and maintenance employees. They are under the supervision of the general superintendent.

Upon the basis of the foregoing facts we find that the clerical employees sought by the AFL are plant clericals and shall include them within the unit of operating and maintenance employees.² In accordance with established Board rules, however, we shall exclude from the unit all clerical employees employed at the Employer's general office.³

We therefore find that the following employees constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All operating and maintenance employees in the distributing and manufacturing departments of the Employer's Atlantic City division; including all hourly paid clerical employees employed at the Employer's Atlantic City garage; but excluding all general office clerical employees, professional employees, guards, and all supervisors as defined in the Act.

[Text of Direction of Election omitted from publication in this volume.]

² *Automatic Electric Co.*, 81 NLRB 218; *Smith Paper, Incorporated*, 76 NLRB 1222

³ *Standard Oil Company (Indiana)* 80 NLRB 1275.