

when so substituting, none of these employees has the authority to hire, discharge, discipline, or reprimand employees or effectively to recommend such action. As for Kilgore and Dickey, the record also shows that while substituting for the floorlady they merely carry out orders from the office. In view of the above, we find that Kilgore, Dickey, and Osteen are not supervisors and shall include them.⁴

Mahlon Rose: A question was raised at the hearing as to the supervisory status of this employee. The record shows that she has no authority to hire, discharge, or effectively to recommend such action, and there was no evidence that she had any of the other indicia of a supervisor. We, therefore, find that she is not a supervisor and shall include her.

We find that the following employees at the Employer's Columbia, Tennessee, plant, constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All production and maintenance employees, including plant clerical employees and inspectors but excluding office employees,⁵ professional employees, technical employees, guards, fixers, assistant fixers, foreladies, and all other supervisors⁶ as defined in the Act.

[Text of Direction of Election omitted from publication.]

MEMBER RODGERS took no part in the consideration of the above Decision and Direction of Election.

⁴ *Lockheed Aircraft Corporation*, 107 NLRB 436.

⁵ The parties agreed that E. Gilliam, M. A. Ring, and L. M. Capps are office employees

⁶ The parties stipulated at the hearing that the following persons should be excluded as supervisors: F. Cover, P. Hatch, S. Park, N. Klang, N. Harper, H. Whitehurst, M. Roscher, L. Young, W. Young, E. Young, E. Foster, S. Markham, T. Carrigan, M. R. Woodward, B. Howell, E. Jones, L. Rinks, and M. Lovett. In a previous case involving the same parties, the eligibility to vote of 33 employees was challenged on the ground that they were supervisors. *Tennessee Knitting Mills*, 10-RC-1033 (not reported in printed volumes of Board Decisions and Orders). The record in the instant case shows that of the 33 persons challenged in the former election, the following are, in addition to certain employees discussed above, still employees of the Employer: M. Evans, R. Foster, G. Pugh, P. Pugh, G. Pulliam, D. London, E. Love, R. Purdon, and T. Brown. It is clear from the record that none of these employees is a supervisor within the meaning of the Act.

WESTERN LIGHT & TELEPHONE COMPANY, INC.¹ and COMMUNICATIONS WORKERS OF AMERICA, C. I. O., C. C. L., PETITIONER. *Case No. 17-RC-1787. July 30, 1954*

Decision and Direction of Election

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Harry Irwig, hearing officer.

The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

¹ The name of the Employer appears as amended at the hearing.

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 labor organization involved claims to represent certain 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) (1) and Section 2 (6) and (7) of the Act.

4. The Employer and the Petitioner agree generally that the appropriate unit should consist of all the Employer's telephone exchange and construction employees. The Employer, however, contrary to the Petitioner, would exclude from participation in any election directed by the Board those employees who work at the Employer's Denison and Ida Grove, Iowa, telephone exchanges, as they are presently covered by a contract with the Petitioner which does not expire until September 16, 1954.

The Employer, a public utility with headquarters in Great Bend, Kansas, provides electric, natural gas, telephone, and water services to towns and communities located in the States of Iowa, Kansas, Oklahoma, and Missouri. The Employer serves 157 communities with electric service, 85 with telephone service, 11 with natural gas service, and 5 with water service. Its telephone services, with which we are herein concerned, are provided to 13 towns in Iowa, 20 in Kansas, 16 in Oklahoma, and 36 in Missouri. There is a general manager for Missouri and Iowa who reports directly to the Employer's president. Under this general manager there are three division managers. In addition, there are division managers for the States of Kansas and Oklahoma who report directly to the president. Local managers in each exchange or town report to their respective division managers.

The Employer's industrial relations director handles labor relations for all the Employer's employees, including those who work in the electric, water, and natural gas operations. The Employer's pension, group insurance, sick, and accident plans are applicable to all employees.

It is clear from the above facts, and on the record as a whole, that the Employer's operations, like those of most telephone companies, are highly integrated and interdependent. The Board has frequently held that in public utilities, where these factors are present, system-wide units are the most appropriate, even where there has been a bargaining history on a less comprehensive basis.² However, the Board has not taken the position that because such a unit is ultimately the most desirable, it is at all times and in all circumstances the only

² *Two States Telephone Company*, 90 NLRB 2008; *New England Telephone and Telegraph Company*, 90 NLRB 639.

appropriate type of unit in a public utility.³ As noted above, the employees of 2 of the Employer's exchanges are already represented; the remaining 83 exchanges constitute the residue of a systemwide unit. In order to afford the employees at the latter exchanges an opportunity to be represented, we shall direct an election for the residual group.⁴ As it is the policy of the Board to favor the largest feasible unit, a majority vote for the Petitioner will be taken as an indication of the employees' desire to be included in a unit with the Denison and Ida Grove employees now represented by the Petitioner, and the Regional Director conducting the election herein is instructed to issue a certification of results of election to such effect.

Accordingly, we shall direct an election in the following voting group:

All employees employed in the Employer's telephone exchanges located in the States of Iowa, Kansas, Oklahoma, and Missouri, including evening chief operators,⁵ and all telephone construction employees, but excluding employees who work at the Employer's Denison and Ida Grove, Iowa, exchanges, employees engaged in operations other than telephone, confidential employees, the field engineer at Clarence, Missouri,⁶ the three engineers stationed at Great Bend, Kansas,⁷ guards, and supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

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

³ Cf. *California-Pacific Utilities Company*, 93 NLRB 747; *Southwestern Service Company*, 89 NLRB 114.

⁴ *Gulf States Telephone Company*, 101 NLRB 270.

⁵ Pursuant to the agreement of the parties, the evening chief operators will be permitted to vote subject to challenge. The record contains no evidence as to their duties.

⁶ The Employer would exclude the field engineer as a managerial and professional employee. The Petitioner stated, in effect, that it had no objection to his exclusion. The record shows that he responsibly directs other employees. Accordingly, we exclude him as a supervisor.

⁷ The Employer would exclude these engineers. The Petitioner does not object to their exclusion. As their duties are similar to those of the field engineer, we exclude them as supervisors.

SEARS, ROEBUCK & Co. and RETAIL CLERKS INTERNATIONAL ASSOCIATION, L. U. No 1625, AFL. *Case No. 10-CA-1736. August 2, 1954*

Decision and Order

On March 10, 1954, Trial Examiner Sidney L. Feiler issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices, and recommending that it cease and desist therefrom and