

In the Matter of PACIFIC GAS AND ELECTRIC COMPANY *and* UNITED
ELECTRICAL & RADIO WORKERS OF AMERICA

Case No. R-274

SUPPLEMENTAL DECISION

AND

CERTIFICATION OF REPRESENTATIVES

February 15, 1938

On May 19, 1937, United Electrical & Radio Workers of America, herein called the U. E. R. W., filed with the Regional Director for the Twentieth Region (San Francisco, California) a petition alleging that a question affecting commerce had arisen concerning the representation of the employees in the outside or physical forces of Pacific Gas and Electric Company, San Francisco, California, herein called the Company, up to and including the rank of job foremen, but excluding executive and office employees, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On June 26, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Article III, Section 3, of National Labor Relations Board Rules and Regulations—Series 1, as amended, authorized the Regional Director to conduct an investigation and provide for an appropriate hearing.

Pursuant to a notice of hearing duly issued and served by the Regional Director upon the Company, the U. E. R. W., and upon International Brotherhood of Electrical Workers, herein called the Brotherhood, and California Gas and Electric Employees Union, herein called the California Union, labor organizations named in the petition as claiming to represent all the Company's employees, including clerical employees, a hearing was held at San Francisco, California, on July 22, 23, 26, 27, and 28, 1937, before Clifford D. O'Brien, the Trial Examiner duly designated by the Board. The Board, the Company, the U. E. R. W., the Brotherhood, and the California Union were represented by counsel at the hearing.

During the hearing, Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, Local Division No. 256, herein called the Amalgamated, filed a motion for leave to inter-

vene, claiming that the Amalgamated represented certain of the employees of the Company engaged in the transportation of passengers in and around the City of Sacramento, California. The parties raised no objections and the Trial Examiner granted the motion.

Pursuant to notice, a hearing was held before the Board on August 17, 1937, in Washington, for the purpose of oral argument. Only the U. E. R. W. and the California Union appeared. They were represented by counsel and participated in the oral argument.

On October 16, 1937, the Board issued a Decision and Direction of Elections¹ and on November 20, 1937, the Board issued an Amendment to the Decision and Direction of Elections.² In its Decision the Board stated that it appeared that the railway employees could function equally well as a separate unit or as part of a larger unit. The determining factor was to be the desires of the employees in this disputed group. The Board therefore in its Direction of Elections, as amended, provided that an election by secret ballot should be held within sixty (60) days from the date of the Direction, under the direction and supervision of the Regional Director for the Twentieth Region, among those engaged in the operation of the streetcar and motorbus system in Sacramento, California, including platform men on the streetcars, shop men in the carhouses, and motor coach drivers, excluding clerical and supervisory employees, to determine whether they desired to be represented by Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, Local Division No. 256, by United Electrical and Radio Workers of America, or by California Gas and Electric Employees Union for the purposes of collective bargaining, or by none of them.

The Board stated that if a majority of the employees in this railway group elected to be represented by the Amalgamated, then the railway group would constitute a single, separate unit, but that if a majority of the employees in the railway group elected to be represented by one of the unions other than the Amalgamated, it would become part of a single unit with the outside or physical group, such choice by them placing the employees of the railway group in the larger unit.

Pursuant to the Direction of Election, as amended, an election by secret ballot was conducted on December 15, 1937, by the Regional Director for the Twentieth Region. Full opportunity was afforded all parties to the investigation to participate in the conduct of the secret ballot and to make challenges. On December 21, 1937, the Regional Director for the Twentieth Region issued and duly served upon the parties to the proceeding her Intermediate Report on the

¹ 3 N L R B 835

² 4 N L R B 180

ballot. No objection to the ballot or to the Intermediate Report, in so far as it relates to the railway group of employees, has been filed by any of the parties.

As to the results of the secret ballot the Regional Director reported as follows:

Number of ballots counted.....	147
Number of votes for Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, Local Division No 256, A. F. of L.....	79
Number of votes for United Electrical and Radio Workers of America, C. I. O.....	8
Number of votes for California Gas and Electric Employees Union..	60
Number of votes for none of the above organizations.....	0
Number of blank ballots.....	0
Number of void ballots.....	0
Number of challenged ballots.....	2

Upon the entire record in the case, the Board makes the following:

SUPPLEMENTAL FINDING OF FACT

We find that the employees engaged in the operation of the streetcar and motorbus system in Sacramento, California, including platform men on the streetcars, shop men in the carhouses, and motor coach drivers, excluding clerical and supervisory employees, constitute a unit appropriate for the purposes of collective bargaining, and that such unit insures to these employees of the Company the full benefits of the right to self-organization and to collective bargaining and otherwise effectuates the policies of the Act.

Upon the basis of the above finding of fact and upon the entire record in the case, the Board makes the following:

SUPPLEMENTAL CONCLUSION OF LAW

Those employees of the Pacific Gas and Electric Company engaged in the operation of the streetcar and motorbus system in Sacramento, California, including platform men on the streetcars, shop men in the carhouses, and motor coach drivers, excluding clerical and supervisory employees, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the National Labor Relations Act.

CERTIFICATION OF REPRESENTATIVES

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, 49 Stat. 449, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, Local Division No. 256, has been designated and selected by a majority of those employees of the Pacific Gas and Electric Company engaged in the operation of the streetcar and motorbus system in Sacramento, California, including platform men on the streetcars, shop men in the carhouses, and motor coach drivers, excluding clerical and supervisory employees, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, Local Division No. 256, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to wages, rates of pay, hours of work, and other conditions of employment.