

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Eighteenth Region

LAKE COUNTRY POWER

Employer

and

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 31

Petitioner

Case 18-UC-333

DECISION AND ORDER

Upon a petition duly filed under Section 9(b) of the National Labor Relations Act, as amended, careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in connection with this proceeding to the undersigned. Upon the entire record in this proceeding, the undersigned finds:

1. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.¹

2. The Petitioner, contrary to the Employer, seeks to clarify the existing bargaining unit of line, marketing and administration department employees by

¹ The Employer, Lake Country Power, is a Minnesota corporation with a principal office and place of business in Grand Rapids, Minnesota and branch facilities located at Kettle River and Virginia, Minnesota, where it is engaged in the distribution of electrical energy. During the past calendar year, the Employer purchased and received at its Minnesota facilities goods and services valued in excess of \$50,000 from sources and suppliers within Minnesota, who, in turn, purchased such goods and services directly from sources and suppliers located outside the State of Minnesota; and during the same period, the Employer realized total gross revenues from the sale of goods and services in excess of \$1,000,000.

specifically including the Network and P.C. Specialist (N/PCS). The Petitioner contends that the N/PCS position will perform work previously performed by the unit classification Utility Tech I² that is closely integrated with bargaining unit work, and further that the N/PCS will work closely with other bargaining unit office employees in troubleshooting and computer problems at the same locations. The Employer asserts that the N/PCS is unlike any bargaining unit position because there is only one person in the position and no one else performs the work, the position is unique in terms and conditions of employment because the person travels to and performs work at the three service center locations, the person is the only non-salaried employee not in the line department who has an assigned company vehicle, and the skills and job requirements are unique.

The Employer was created as a result of a consolidation of three separate electrical cooperatives located at Grand Rapids, Kettle River, and Virginia, Minnesota. The Petitioner has represented the consolidated bargaining unit since 1997, although prior to the consolidation it represented the employees at the Kettle River facility. The current contract is effective from July 1, 1997 to June 30, 2001. The occupational

² Here, the Petitioner refers to a Utility Tech I employee named Jack Metso, who works at the Kettle River facility and who has regularly performed computer hardware installation duties, whereas the Employer's manager of technical services, Curtis Reed, has performed computer software work, which Michelle Hedlund has gradually assumed more and more of as she becomes more proficient in the N/PCS job. In any event, the Utility Tech I job description states that this Line Department position reports to the Line Superintendent and "provides metering and collection services for the purpose of customer billing and ground work assistance to line crews, and locates underground cable as needed." Although the position description makes no reference to computer-related skills being a qualification for the job, the Environmental Conditions section thereof states that the work, in part, involves "CRT Screens: Occasionally works on a computer." The Employer admits that bargaining unit positions that use computers are line department coordinator, linestakers I and II, dispatcher, utility Tech I and II, engineering tech, NSR, technician, utility clerk I and II, accounting clerk and secretary; however unlike the N/PCS, they are not responsible for computer system design, installation, maintenance, upgrade or repair.

classifications included in the bargaining unit are contained in "Exhibit A" of the contract.

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Michelle R. Hedlund has been employed by the Employer since 1985, all at the Grand Rapids facility. She initially worked as a Member Services Secretary, and was promoted to Communication & Public Relations Coordinator in 1990. It is unclear from the labor agreement if these positions are current bargaining unit positions. In 1994 she was again promoted to New Service Representative (NSR). This position is clearly included in the bargaining unit, and Hedlund eventually became a member of Local 31. Hedlund was the only person employed in the NSR position at the Grand Rapids facility.⁴ She had a desk in the Customer Service section (of the Marketing Department), which included other non-unit employees, and reported to a Customer Service Supervisor. The NSR position description states that the position "Introduces and promotes all programs and services provided by the Employer, including processing customer applications for new services and service charges, coordinating the flow of information between the Cooperative and the customer, and establishing the computer records needed to track the status of the application." One of the 13 enumerated job responsibilities included "processing and updating customer records on the Cooperative's computer system." One of the stated qualifications for the position is "Personal Computer proficiency and word processing experience."

³ The existing bargaining unit as described in "Exhibit A" of the current collective-bargaining agreement consists of the following classifications: Line Department: line foreman, crew chief, journeyman lineworker, dispatcher, linestaker I & II, line dept. coordinator, Mechanic I & II, warehouse, electric equip. coordinator, utility tech I & II, and engineering tech; Marketing Department: new service rep. and technician; and Administration Department: utility clerk I & II, accounting clerk and secretary.

⁴ The Employer's organizational chart shows an NSR position at each of its three facilities.

In September 1998, the new position of N/PCS was created in the Technical Services Department as a result of the settlement of a lawsuit initiated by Hedlund. Hedlund received a pay raise upon appointment to the N/PCS position from \$18.53 to \$21.00 per hour, and continues to be hourly paid. With the new position, she moved out of the Customer Service Department and into a billing department office at the Grand Rapids facility, which she shares with a bargaining unit employee. The N/PCS position description summary states that the position "provides service to the Cooperative's employees and directors by installing and maintaining local and wide area networks and personal computers." Responsibilities for the position include assisting employees and directors in resolving computer and network problems; installing and maintaining personal computers, including software and wide area networks, server software and hardware; assisting in the design of network and server topology, including security issues; assisting in preparation of department annual budget; maintaining technical knowledge; working safely; acquiring good working knowledge of Employer; and performing other job-related duties assigned. The stated qualifications for the position are "Microsoft Certified for NT 4.0 or five year's work experience in TC/1P networking, and ability to trouble shoot and repair personal computers." Beyond her previous work experience as an NSR, it does not appear that any special education or training was required for the N/PCS job. Rather, Hedlund has received on-the-job training and has attended other periodic computer-related training courses as the job evolves. Hedlund is supervised by Curt Reed, Manager of Technical Services, whose office is located in the Kettle River service center. Reed does not supervise any other employees. Reed, in turn, reports to General Manager Tim Reilley.

Hedlund's N/PCS duties include the installation and setup of computers on the network, loading software onto computers, setting up internet mail addresses and printers, diagnosing and repairing computer and printer problems, making up network cables, assessing other employees with software training needs and record keeping. She services computers for and provides assistance to both bargaining and non-bargaining unit employees. Hedlund also has other duties, including Y2K coordinator, inventory record maintenance, keeping records on computer maintenance, research and development of personal computer training programs, and creating maps for the Line Department. She has also worked on a subsidiary company's and directors' computer needs. Although the frequency varies, one or two days each week Hedlund travels in a company-assigned van to the other two service centers, where she spends approximately five to six hours per day performing the same duties of providing computer repair and maintenance as well as software upgrading and training. She is permitted to take the van home for early morning travel needs and performs light maintenance on the vehicle. She has remained in the same 401(k) plan that includes all company employees, but receives more sick days and is now covered by the "Floor Plan" retirement plan. Hedlund's working hours are more flexible than other bargaining unit employees because of the need to complete computer tasks after normal office hours and travel between office sites. She is eligible to be paid overtime or, alternatively, to take flex or comp time for the extra hours worked. Hedlund continues to have regular and frequent contact with bargaining unit employees in the performance of her computer-related duties.

The Employer contends that bargaining unit employees are responsible for line operations, customer service and bookkeeping functions, whereas the N/PCS is

responsible for company-wide computer operations and support for both network and personal computers that are operations systemic and technical in nature.⁵

On the basis of the foregoing, I conclude that the N/PCS shares a close community of interest with the unit employees, which warrant her inclusion in the unit. In reaching this conclusion to include the N/PCS position in the unit, I have relied particularly on the facts that in her prior NSR position Hedlund was in the bargaining unit; that her new job duties as N/PCS continue to involve computer-related functions, albeit apparently more systemic and technical than before; that she continues to have frequent and recurring contact with other unit employees who use computers; and that she shares an office with a unit employee. Additionally, I note that she shares a common work location, working hours and certain fringe benefits with some unit employees, and that some unit employees receive pay comparable to hers.

In these circumstances, I shall clarify the unit to specifically include the N/PCS position.

ORDER

IT IS HEREBY ORDERED that the unit exclusively represented for purposes of collective bargaining by the International Brotherhood of Electrical Workers, Local 31, be, and it hereby is, clarified to specifically include the Network and P.C. Specialist (N/PCS) employed by the Employer at its Grand Rapids, Kettle River and Virginia, Minnesota facilities.⁶

⁵ The Employer also initially contended that the N/PCS position was confidential in nature; however, it did not present any evidence regarding this aspect of the position.

⁶ Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by **November 22, 1999**.

Signed at Minneapolis, Minnesota this 8th day of November, 1999.

/s/ Marlin O. Osthus

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