

In the Matter of THE STANDARD OIL COMPANY (AN OHIO CORPORATION)
and OIL WORKERS INTERNATIONAL UNION (CIO)

Case No. 8-R-1283.—Decided November 25, 1943

McAfee, Grossman, Hanning & Newcomer, and Messrs. James R. Tritschler and G. W. Hanneken, of Cleveland, Ohio, and Mr. J. R. Cuthbert, of Lima, Ohio, for the Company.

Mr. William Debevic, of Willoughby, Ohio, and Messrs. G. H. Kindall and R. A. Bishop, of Lima, Ohio, for the CIO.

Miss Olive N. Barton, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Oil Workers' International Union (CIO), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Standard Oil Company (an Ohio corporation), Lima, Ohio, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William O. Murdock, Trial Examiner. Said hearing was held at Lima, Ohio, on October 19, 1943. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. At the hearing, the Company moved to dismiss the petition herein on the grounds that there is presently pending the case of *National Labor Relations Board v. Standard Oil Company, an Ohio corporation, Sohio Pipe Line Corporation and Latonia Refining Corporation* (C. C. A. 6, No. 9603), which will finally determine the legitimacy of the Association of Petroleum Workers of the Standard Oil Company of Ohio, herein called the Independent, which was not notified of the present hearing. Since the Independent was ordered disestablished by the Board's Decision and Order issued February 15, 1943, the motion is hereby denied.¹ The Trial Examiner's rulings made at the hearing

¹ *Matter of Standard Oil Company, an Ohio corporation, Sohio Pipe Line Corporation, Latonia Refining Corporation and Oil Workers' International Union (CIO), and Oil Workers'*
53 N. L. R. B., No. 173.

are free from prejudicial error and are hereby affirmed. Opportunity was afforded all parties to file briefs with the Board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Standard Oil Company, an Ohio corporation, incorporated about 1870, with its main offices at Cleveland, Ohio, operates oil refineries at Cleveland, Toledo, and Lima, all in Ohio, and through a subsidiary, the Latonia Refining Corporation, at Latonia, Kentucky. This proceeding involves the Solar Refinery at Lima, Ohio, where the Company manufactures and processes petroleum products such as gasoline, fuel oils, furnace oil, and naphtha. The value of raw materials received at this refinery during the last 12 months exceeds \$1,000,000 in value. During the same period, the Company manufactured and distributed outside the State of Ohio finished products in excess of \$100,000 in value.

The Company concedes that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

The Oil Workers' International Union is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On September 8, 1943, the Union, claiming to represent a majority, requested recognition as the exclusive bargaining representative of the employees of the Company in the alleged appropriate unit at its Lima, Ohio, refinery. On September 16, 1943, the Company refused to grant such recognition unless and until the Union was certified by the Board.

A statement of the Field Examiner, introduced in evidence at the hearing, indicates that the Union represents a substantial number of employees within the unit herein found appropriate.²

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

International Union, Local 346 (CIO) and Association of Petroleum Workers of the Standard Oil Company of Ohio, 47 N. L. R. B. 517.

² The Field Examiner reported that the Union submitted 83 authorizations of which 81 carry apparently genuine original signatures corresponding with names on the Company's pay roll of September 27, 1943, which pay roll contains the names of 154 persons in the alleged appropriate unit.

IV. THE APPROPRIATE UNIT

We find, as stipulated by the parties, that all maintenance and production employees at the Company's Lima, Ohio, refinery, including the storehouse clerk and railroad crossing watchmen but excluding clerical and technical employees such as graduate chemists and engineers who are working as such, plant-protection employees, and 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.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTIONS

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, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Standard Oil Company (an Ohio corporation), Lima, Ohio, 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 Eighth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, 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 or not they desire to be represented by Oil Workers' International Union, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.