

In the Matter of **CARNEGIE NATURAL GAS COMPANY and OIL WORKERS  
INTERNATIONAL UNION (CIO)**

*Case No. 6-R-823.—Decided December 15, 1943*

*Messrs. Nicholas Unkovic and Ira R. Hill, of Pittsburgh, Pa., for the Company.*

*Mr. W. R. Wonsettler, of Oil City, Pa., and Mr. O. W. Singleton, of Charleston, W. Va., for the Union.*

*Miss Frances Lopinsky, of counsel to the Board.*

**DECISION**

**AND**

**DIRECTION OF ELECTION**

**STATEMENT OF THE CASE**

Upon a 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 Carnegie Natural Gas Company, Pittsburgh, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing<sup>1</sup> upon due notice before S. Craig Carnes, Trial Examiner. Said hearing was held at Pittsburgh, Pennsylvania, on November 1, 1943. The Company and the Union appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, to introduce evidence bearing on the issues, and to file briefs with the Board. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

**FINDINGS OF FACT**

**I. THE BUSINESS OF THE COMPANY**

Carnegie Natural Gas Company, a wholly owned subsidiary of the United States Steel Corporation of New Jersey, is a Pennsylvania

<sup>1</sup> District 50, United Mine Workers of America, herein called the U. M. W. A., filed a petition in Case No. 6-R-789 concerning the same employees, whereupon, on October 12, 1943, the Board ordered Cases No. 6-R-789 and 6-R-823 consolidated. A consolidated hearing was had at which the U. M. W. A. did not appear. The U. M. W. A. subsequently requested and was granted leave to withdraw its petition.

corporation. The Company is engaged in the production, purchase, transportation, and sale of natural gas and the production and sale of crude oil, and in the transportation but not the sale of coke oven gas. During the 12-month period preceding the hearing the Company purchased, produced, and transported from the State of West Virginia natural gas amounting to 9,600,000,000 cubic feet, and purchased and produced 4,000,000,000 cubic feet of natural gas in the State of Pennsylvania. During the same period it purchased in Pennsylvania steel tubing and other steel products having a value in excess of \$100,000, 50 percent of which was utilized in West Virginia. The Company's gross income for the 12 months was in excess of \$3,500,000. Ninety percent of its total sales was to industrial concerns in the Pittsburgh area whose products move in interstate commerce; the balance was to domestic consumers and public utilities.

For the purposes of this proceeding only, the Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

#### II. THE ORGANIZATION INVOLVED

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

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its employees until the Union is certified by the Board in an appropriate unit.

A statement of the Regional Director introduced into evidence at the hearing indicates that the Union represents a substantial number of employees in the unit herein found to be appropriate.<sup>2</sup>

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.

#### IV. THE APPROPRIATE UNIT

The Company's operations are divided into four divisions termed: Waynesburg, West Virginia, Leechburg, and Homestead. The Waynesburg and West Virginia divisions are contiguous, while the Leechburg and Homestead divisions are each separate from the contiguous divisions and separate from each other. The type of work

<sup>2</sup> The Regional Director reported that the Union submitted 159 applications for membership cards, all of which bore apparently genuine original signatures, 150 of which corresponded with names appearing on the Company's pay rolls for September 14 and 16, 1943, which together contained names of 282 employees in the appropriate unit.

done in Leechburg is identical with that done in Waynesburg and in West Virginia but that done in Homestead differs somewhat because Homestead is the only division that handles byproduct gas. Interchange of personnel between the Leechburg and Homestead divisions is slight but there is a constant interchange between employees of the Waynesburg and West Virginia divisions. Control of the four divisions is central.

The Union requests a system-wide unit. The Company contends that the Waynesburg and West Virginia divisions constitute an appropriate unit for bargaining and that the Leechburg and Homestead divisions each constitute separate units, on the ground that distance, in the case of Leechburg, and type of work in the case of Homestead, require the segregation of the latter two divisions from the others. Since the four divisions are but parts of a system, all subject to the same ultimate control, all engaged in identical or related activities, all, though not contiguous, serving the same general area, it is the opinion of the Board that bargaining for the employees of these divisions can best be carried on in a system-wide unit. Since the Union has organized on a system-wide basis, that optimum unit can be established at the present time.<sup>3</sup>

The Company would exclude from and the Union would include in the unit all salaried employees and employees whom the Company terms "casuals." All persons hired by the Company are designated as casuals until they have been employed continuously by the Company for a year. These include seasonal employees, employees hired for a particular job, and permanent employees. As a reasonable number of them are substantially sure of permanent or recurring employment with the Company, we shall include the so-called casual employees in the unit.<sup>4</sup> Since the Company offered no basis of differentiation between salaried and other employees except method of payment, and since some salaried employees clearly belong in the unit, we shall not exclude salaried employees, as such, from the unit.

We find that all production, maintenance, and compressor station employees and all other employees of the Company including "casuals" employed in its Waynesburg, West Virginia, Leechburg and Homestead divisions, excluding executives, office clerical employees, and all supervisory employees authorized 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.

<sup>3</sup> See *Matter of Northern States Power Company of Wisconsin*, 37 N L R B 991

<sup>4</sup> See *Matter of Smith-Wood Products Company*, 45 N L R B 787.

## 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 ELECTION

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 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Carnegie Natural Gas Company, Pittsburgh, Pennsylvania, 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 Sixth 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 (CIO) for the purposes of collective bargaining.

MR. GERARD D. RELLY took no part in the consideration of the above Decision and Direction of Election.