

In the Matter of PHILLIPS PETROLEUM COMPANY and OIL WORKERS
INTERNATIONAL UNION, C. I. O.

Case No. 16-R-791.—Decided February 19, 1944

Messrs. M. W. Eddleman, J. W. Mitchell, and Hugh Crawford, of Bartlesville, Okla., and Messrs. C. C. Tate and Charles McCormick of Okmulgee, Okla., for the Company.

Mr. Lindsay P. Walden, of Fort Worth, Tex., and Mr. A. L. Hardesty, of Tulsa, Okla., for the Union.

Miss S. Catherine Wilson, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Oil Workers International Union, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Phillips Petroleum Company, Okmulgee, Oklahoma, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Gustaf B. Erickson, Trial Examiner. Said hearing was held at Okmulgee, Oklahoma, on January 13, 1944. The Company and the Union appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity 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

Phillips Petroleum Company, a Delaware corporation with its principal office at Bartlesville, Oklahoma, is engaged in the processing of petroleum and petroleum products at its refinery in Okmulgee, Oklahoma. During the past 6 months its finished products amounted

to \$3,308,000 in value, approximately 50 percent of which was shipped outside the State of Oklahoma.

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, affiliated with the Congress of Industrial Organizations, is a labor organization 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 has submitted proper proof of its authority to represent a majority of the employees in an appropriate bargaining unit.

A statement of the Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

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

We find, substantially in accordance with an agreement of the parties, that all production and maintenance employees at the Company's Okmulgee refinery, including the lead-off men and stillmen,² but excluding clerical, laboratory and technical employees, plant-protection employees, (gatemen, guards, and patrolmen), and all other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action,³ constitute a unit appropriate for the pur-

¹ The Field Examiner reported that the Union submitted 110 authorization cards; that the names of 110 persons appearing on the cards were listed on the Company's pay roll of December 4, 1943, which contained the names of 200 employees in the appropriate unit; and that the cards were dated October, November, and December 1943, with the exception of 7 cards which were not dated.

International Union of Operating Engineers, A. F. of L., was requested in writing to submit representation evidence, but failed to do so.

² The evidence indicates that neither of these classifications has supervisory functions within our customary definition.

³ It was agreed by the parties, and we find, that the following classifications fall within the definition of supervisory employees set forth above: superintendents, mechanical superintendents, night foremen, power plant foremen, head controlmen, chief clerk, assistant chief clerk, heavy oil treater, trackage foreman, night foreman, stock foremen, electrical foreman, chief chemist, light oil process foremen, assistant chief chemist, personnel officer, warehouse foreman, pipe fitter foreman, yard foreman, master mechanic, clean-out foreman, compound plant foreman, assistant pipe foreman, labor foreman, lube foreman, welder foreman, loading foreman, night foreman, assistant compound plant foreman, assistant labor foreman.

poses 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 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 Phillips Petroleum Company, Okmulgee, Oklahoma, 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 Sixteenth 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, C. I. O., for the purposes of collective bargaining.