

In the Matter of SNOWDEN & McSWEENEY COMPANY and OIL WORKERS,  
INTERNATIONAL UNION, CIO

*Case No. 14-R-851.—Decided March 10, 1944*

*Mr. Ben A. Townsend*, of Mt. Carmel, Ill., and *Mr. John Baldwin*, of Bridgeport, Ill., for the Company.

*Mr. Ona C. Allen*, of Lawrenceville, Ill., for the Union.

*Mr. William Strong*, 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 Snowden & McSweeney Company, Bridgeport, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before James C. Batten, Trial Examiner. Said hearing was held at Lawrenceville, Illinois, on February 14, 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. The Trial Examiner reserved for the Board a motion by the Company that the petition be dismissed. The motion is denied. 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

The Company, a Delaware corporation, is engaged in drilling and pumping oil from the earth. Its principal office is in Ft. Worth, Texas, and its operations are conducted in eight States. The Illinois produc-

tion of the Company is sold to The Ohio Oil Company. The Kentucky production is sold to the Sohio Oil Company and the Owensboro-Ashland Company of Ashland, Kentucky. During 1943, the Company sold oil in the value of \$1,030,998.56. During this same period, the Company purchased engine and tank parts, pipes, tubes, rods, and other supplies in the value of \$250,000, of which over 50 percent in value was shipped in interstate commerce to points of consumption or utilization.

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 certain of the Company's employees in effect until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</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 Union asserts that all production and maintenance employees in the Illinois field of the Company,<sup>2</sup> excluding clerical and supervisory employees, constitute an appropriate unit. The Company claims that the unit should consist of all production and maintenance employees of its Eastern Division, consisting of the Illinois and Kentucky fields.

The Company's employees in each State are under the direct supervision and control of a State Superintendent. Some of the wage rates in the Illinois field are substantially higher than those in the Kentucky field. While there have been a few transfers of employees between

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<sup>1</sup> The Field Examiner reported that the Union submitted 13 authorization cards and that 19 employees are in the alleged appropriate unit.

<sup>2</sup> The Trial Examiner granted the Union's motion to amend the description of the unit in the petition by inserting the qualifying phrase "in the Illinois field of the Company" shown above.

the fields, in most instances they were of a permanent character. The two fields are about 70 miles apart. The Union has thus far limited its organizational efforts to the Illinois field. We are of the opinion that under all the circumstances here present, including the wage differentials between the two fields, the distance between them, and the limited extent of the Union's organization of the Company's employees, a unit embracing production and maintenance employees at the Illinois field is appropriate.

We find that all production and maintenance employees of the Company in its Illinois field, excluding clerical employees and all 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.<sup>3</sup>

#### 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 Snowden & McSweeney Company, Bridgeport, Illinois, 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 Fourteenth 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

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<sup>3</sup> The Union asks that the December 10, 1943, pay roll be used to determine eligibility for voting in the election. We have considered the Union's arguments in this respect and conclude that no cogent reason is shown requiring deviation from our normal policy with respect to the eligibility date.

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.