

In the Matter of THE TEXAS PIPE LINE COMPANY and OIL WORKERS
INTERNATIONAL UNION LOCAL 367, C. I. O.

Case No. 16-R-691

SUPPLEMENTAL DECISION
AND
AMENDED CERTIFICATION OF REPRESENTATIVES

March 11, 1944

On November 5, 1943, the National Labor Relations Board issued a Decision and Direction of Election in the above-entitled proceeding¹ in which, *inter alia*, the Board directed that the ballots of tour engineers, relief tour engineers, district gaugers, assistant master mechanics, and assistant gang foremen be impounded pending clarification of their supervisory status. Thereafter, on December 9, 1943, an election by secret ballot was conducted under the direction and supervision of the Regional Director for the Sixteenth Region (Fort Worth, Texas). Upon the conclusion of the election the Regional Director furnished the parties a Tally of Ballots in accordance with the Rules and Regulations of the Board, in which he indicated that 81 ballots had been impounded. Since a disposition of the impounded and challenged ballots² would not affect the results of the election, the Board issued a Certification of Representatives, dated February 9, 1944, in which it certified Oil Workers International Union, Local 367, affiliated with the Congress of Industrial Organizations, herein called the C. I. O., as the collective bargaining representative of production and maintenance employees of The Texas Pipe Line Company, Southern Texas Division, Houston, Texas, hereinafter called the Company, in the unit set forth in the Decision.

In the Certification, the Board stated:

* * * a hearing was held in *Matter of The Texas Pipe Line Company*, Case No. 16-R-777, at which time evidence was adduced relative to the duties and functions of [tour engineers, relief tour engineers, district gaugers, assistant master mechanics, and assist-

¹ 53 N. L. R. B. 431.

² The tally showed that seven ballots were challenged.

55 N. L. R. B., No. 82.

ant gang foremen]. It was stipulated at said hearing that the Board might utilize the evidence thus presented for the purpose of making supplemental findings of fact with respect to the status of these classifications. The Board has not yet decided Case No. 16-R-777 . . . Our unit finding in the instant case will be revised in accordance with the decision made in Case No. 16-R-777, and the disputed categories specifically included or excluded.

On March 2, 1944, the Board issued a Decision and Direction of Election in Case No. 16-R-777,³ finding, *inter alia*, that tour engineers, district gaugers, and assistant master mechanics are not supervisory employees and that assistant gang foremen are supervisory employees.

Upon the entire record in the instant case and upon the findings made in Case No. 16-R-777, referred to in the Certification issued on February 9, 1944, the Board makes the following:

SUPPLEMENTAL FINDINGS OF FACT

Since we have found in Case No. 16-R-777 that employees of the Company engaged as tour engineers, district gaugers, and assistant master mechanics do not act in a supervisory capacity, and that assistant gang foremen do so act, we are of the opinion and find that in the instant proceeding tour engineers, relief tour engineers,⁴ district gaugers, and assistant master mechanics should be included within the unit of production and maintenance employees of the Company, and that assistant gang foremen should be excluded therefrom.

AMENDED CERTIFICATION OF REPRESENTATIVES

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, Sections 9 and 10, of National Labor Relations Board Rules and Regulations—Series 3,

IT IS HEREBY CERTIFIED that Oil Workers International Union, Local 367, affiliated with the Congress of Industrial Organizations, has been designated by a majority of all production and maintenance employees of The Texas Pipe Line Company, Southern Texas Division, Houston, Texas, including tour engineers, relief tour engineers,

³ *Matter of The Texas Pipe Line Company*, 55 N. L. R. B. 239, Case No. 16-R-777, issued March 2, 1944.

⁴ Although the Board made no specific finding in Case No. 16-R-777 with respect to relief tour engineers, the record in the instant case shows that these employees act as tour engineers at certain scheduled intervals and that the balance of their working time is spent in the performance of duties regularly performed by employees in classifications whose inclusion within the unit is not in dispute.

district gaugers, and assistant master mechanics, but excluding clerical employees, chief tour engineers, chief main line engineers, carpenter foremen, gang foremen, assistant gang foremen, paint foremen, welder foremen, and master mechanics, as well as other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the National Labor Relations Act, the said organization is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.