

In the Matter of THE OHIO OIL COMPANY and OIL WORKERS INTERNATIONAL UNION, CIO

Case No. 14-R-852.—Decided March 23, 1944

Messrs. William K. Tell and Joseph Diver, both of Findlay, Ohio, 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 The Ohio Oil 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 15, 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

The Company, an Ohio corporation, is engaged in the business of producing, refining, transporting and marketing oil and petroleum, in 18 States. The Company's total sales in 1943 exceeded \$70,000,000. During the same period the Company purchased supplies for its

Illinois operations, the sole operations involved in this proceeding, valued in excess of \$189,000, about 50 percent of which was transported in interstate commerce.

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 certain of the Company's employees on the ground that the unit sought by the Union is inappropriate, and 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.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

The Union seeks a unit composed of all production and maintenance employees, excluding clerical and supervisory employees, in the Company's "District 9," "District 10," "new field" and "machine shop," to which it collectively refers as the "Bridgeport Production District." The Company asserts that its production and maintenance operations in "the new field" constitute one unit, and its production and maintenance operations in "the so-called old field" constitute another unit. The Company seeks to exclude the machine shop from either of its proposed units.

The record is ambiguous and confused as to the Company's geographical, operational and managerial subdivisions, the supervisory hierarchy and the extent of its authority, and the Company's nomenclature.² All production and maintenance employees engaged in the operations which the Union seeks to include in one unit appeared to

¹ The Field Examiner reported that the Union submitted 186 authorization cards and that 278 employees are in the unit alleged to be appropriate in its petition.

² Almost all of the testimony as to such matters was given by officials of the Company, and was at times conflicting.

be under the supervision of the same division superintendent in an operational unit referred to as the "Bridgeport Division."³ This Division includes both the "new field" and part of the "old field." The "new field" operations comprise a relatively small portion of the Company's total operations in Illinois. The "old field" embraces properties included under various other operational and managerial subdivisions of the Company in that State, including certain numerical "Districts" which are included by the Company as part of other "Districts."⁴ Operations in the "new field" began in 1937, and various oil pools have been discovered in that area since that year.

The same categories of employees are used in both the "old field" and the "new field,"⁵ although at times some of the functions performed by the employees differ in some respects due to various stages of development of the oils wells. Certain classes of employees receive slightly higher wages at the "new field" as compared with those at the "old field," primarily because of differences in living conditions and the fact that new employees at the "new field" demanded higher wages.⁶ Transfers of employees between the fields are not infrequent. About 80 percent of the employees in the "new field" are former employees of the "old field." There are about 400 employees in the "old field" operations within the Bridgeport Division. The total number of employees in the entire "old field" is about 600. At the "new field" the Company has approximately 75 employees. The Union has thus far organized only the employees in the Bridgeport Division.

Under all the circumstances here present, including the extent of the Union's organization, we conclude that an appropriate unit should consist of the employees in the Bridgeport Division, specifically including "District 9," "District 10," and the "new field."

We shall also include in the unit the employees in the "machine shop." Although the machine shop performs work for various "Districts" it is under the control of the Superintendent of the Bridgeport Division, and is within that Division. We see no merit to the Company's implied contention that the employees in the machine shop, which it omits from either of the units it asserts is appropriate, should be denied collective bargaining rights.

We find that all production and maintenance employees of the Company in "District 9," "District 10," the "new field," and the "machine

³ All pay rolls for the entire Division are handled through the Divisional Superintendent's office.

⁴ Referring to the "new field," the Division Superintendent testified that ". . . another district—that we may call another district—is the new field which is composed of various pools widely scattered."

⁵ There are approximately 75 employees in the "new field," which has about 300 wells, and approximately 600 employees in the "old field," which has about 6,400 wells.

⁶ The present wage differential, which has been in effect since September 1943, is about 10 cents. Between 1938 and that date the wage differential was much less.

shop,"⁷ but excluding clerical 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 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 The Ohio Oil 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 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.

⁷ "District 9," "District 10," the "new field" and the machine shop are the only operations in Illinois under the administrative control and supervision of Superintendent Reglin, constituting the Bridgeport Division.