

In the Matter of TEXAS PIPE LINE COMPANY and DISTRICT 6, OIL
WORKERS INTERNATIONAL UNION, CIO

Case No. 14-R-861.—Decided March 30, 1944

Mr. John C. Jackson, of Houston, Tex., *Mr. Stuart G. Kershner*, of Tulsa, Okla., and *Mr. J. E. Chandler*, of Houston, Tex., for the Company.

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

Mr. Isadore Greenberg, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by District 6, Oil Workers International Union, CIO, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Texas Pipe Line Company, Mt. Vernon, Indiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John H. Eadie, Trial Examiner. Said hearing was held at Lawrenceville, Illinois, on March 1, 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

Texas Pipe Line Company is a Texas corporation, with its principal office at Houston, Texas. It is engaged in gathering and transporting petroleum and petroleum products in the States of Texas, Louisiana, Oklahoma, Illinois, Indiana, and Montana. For this purpose the

Company owns and operates a total of 6,474 miles of pipe line running through these States.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

District 6, 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 its employees 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 employees of the Company at the Mt. Vernon, Indiana, Terminal, including plant-protection employees, but excluding clerical and supervisory employees.

The Company denies the appropriateness of a Mt. Vernon unit. It contends that a company-wide unit, or in the alternative, a unit embracing the Indiana-Illinois Division of the Company,² is appropriate. It also disputes the propriety of the inclusion of plant-protection employees in the unit.

The Union has not attempted to organize employees of the Company's Indiana-Illinois Division outside of the Mt. Vernon Terminal. The plant-protection employees herein involved are unarmed watchmen who do not belong to any military or police organization. They are paid on an hourly basis and are directly under the supervision of the plant superintendent. Their duties are to watch the plant premises, to exclude unauthorized persons from entering, and to enforce the Company's rules and regulations in regard to such matters as fire

¹ The Field Examiner reported that the Union submitted 11 authorization cards, all of which bore apparently genuine original signatures; that the names of all persons appearing on the cards were listed on the Company's pay roll of December 31, 1943, which contained the names of 11 employees in the appropriate unit; and that the cards were all dated in December 1943.

² The Mt. Vernon, Indiana, Terminal is part of the Company's Indiana-Illinois Division.

protection. Other than the enforcement of such rules, they have no supervisory authority over the employees.

In view of the limited extent of organization among the Company's employees in the Indiana-Illinois Division, we are of the opinion that the unit here sought by the Union is appropriate for the purposes of collective bargaining at the present time. Our finding that a unit confined to the Mt. Vernon Terminal is appropriate will not, however, preclude a finding at some later date that a larger, more inclusive unit is then appropriate.³ We are also of the opinion that the plant-protection employees may properly be included in the unit.

We find that all the employees of the Company's Mt. Vernon, Indiana, Terminal, including the plant-protection employees, but 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.

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 Texas Pipe Line Company, Mt. Vernon, Indiana, 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

³ Cf. *Matter of Standard Overall Company (Jobbers Pants Company)*, 53 N. L. R. B. 960 and cases therein cited.

preceding the date of this Direction, including employees who did not work during the 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 District 6, Oil Workers International Union, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.