

In the Matter of GULF REFINING COMPANY, TULSA PIPE LINE DIVISION
and INTERNATIONAL UNION OF OPERATING ENGINEERS

Case No. 17-R-822.—Decided March 31, 1944

Messrs. Russel G. Lowe, Rush Greenstade, and R. S. Harrison, all of Tulsa, Okla., for the Company.

Messrs. John H. LaRowe and E. C. Jarboe, of Independence, Kans., 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 International Union of Operating Engineers, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Gulf Refining Company, Tulsa Pipe Line Division, Tulsa, Oklahoma, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Clarence D. Musser, Trial Examiner. Said hearing was held at Kansas City, Missouri, on March 2, 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, a Delaware corporation with its principal operating office at Tulsa, Oklahoma, maintains and operates a truck pipe-line system extending from New Perryman, Oklahoma, to Cincinnati, Ohio. During 1943 the Company pumped through its pipe line about 50,000

barrels of crude petroleum daily. It is also engaged in buying and gathering petroleum in Illinois, which is run to its main line stations for transportation.

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

II. THE ORGANIZATION INVOLVED

International Union of Operating Engineers 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.

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

We find, in substantial agreement with a stipulation of the parties, that all operation and maintenance employees of the pipe-line stations and terminals from New Perryman, Oklahoma, but not including employees at the New Perryman station, to and including the KY terminal near Lima, Ohio, and the Cleves terminal near Cincinnati, Ohio, 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 payroll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

¹ The Field Examiner reported that the Union submitted 33 authorization cards, 32 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 January 29, 1944, which contained the names of 119 employees in the appropriate unit.

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 Gulf Refining Company, Tulsa Pipe Line Division, Tulsa, 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 Seventeenth 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 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 any 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 International Union of Operating Engineers, for the purposes of collective bargaining.