

In the Matter of ATLAS OIL & REFINING CORPORATION and OIL FIELD & REFINERY WORKERS LOCAL NO. 23091, AFFILIATED WITH AMERICAN FEDERATION OF LABOR

Case No. 15-R-1073.—Decided April 27, 1944

*Mr. William H. Bronson, of Shreveport, La., for the Company.
Messrs. G. Randall Whitmeyer, T. P. Jackson, J. M. Brown, E. W. Clanton, and C. G. Snell, of Shreveport, La., for the Union.
Miss Frances Lopinsky, of counsel to the Board.*

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Oil Field & Refinery Workers Local No. 23091, affiliated with the American Federation of Labor, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Atlas Oil & Refining Corporation, Shreveport, Louisiana, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before LeRoy Marceau, Trial Examiner. Said hearing was held at Shreveport, Louisiana, on March 21, 1944. The Company and the Union appeared and participated.¹ 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.

¹ Oil Workers International Union, affiliated with the Congress of Industrial Organizations, also served with notice, did not appear. On January 24, 1944, the Oil Workers filed with the Regional Director a Motion to Intervene in which it alleged that the petition should be dismissed because there was then pending a charge of unfair labor practices filed by the Oil Workers against the Company. The case referred to by the Oil Workers (Case No C-2190) was, after due consideration, closed by the Board by Order dated March 10, 1944. The Trial Examiner at the hearing denied the Motion to Intervene and referred to the Board the Oil Workers' motion to dismiss the petition. That action is hereby affirmed and the motion to dismiss is hereby denied.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Atlas Oil & Refining Corporation owns and operates a refinery at Jewella, Louisiana, pumping stations located at Magnolia, Arkansas, Gilark, Louisiana, and Cornie, Louisiana, and gas wells located at Greenwood, Louisiana. The Company also owns a system of pipe lines connecting its refinery with its wells and with other sources of oil and gas located in the States of Arkansas and Louisiana. Each month, the Company processes an average of 275,000 barrels of crude oil having an approximate value of \$300,000. Two thirds of this oil flows to the Company's Jewella refinery from the Magnolia, Arkansas oil fields through the pipe lines of the Company. The Company produces gasoline, kerosene, fuel oil, codimer, cumene and butylene, the last three products named being components of 100-octane gasoline. A substantial portion of these products, some of which is transported out of the refinery through the pipe lines of the Company, ultimately reaches consumers outside of the State of Louisiana.

We find that the operations of the Company affect commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

Oil Field & Refinery Workers Local No. 23091, affiliated with the American Federation of Labor, 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 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.²

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

In accordance with the agreement of the parties, we find that all production, maintenance, refinery and pipe line employees of the

² The Field Examiner reported that the Union submitted 110 American Federation of Labor cards, that the names of 101 persons appearing on the cards were listed on the

Company, including yield clerks; timekeeper, shipping clerk, warehouseman, assistant warehouseman and warehouse clerk in the Office and Engineering Department of the Refinery Division; the billing clerks in the Oil Movement Department of that Division; laboratory chemists, analyst and testers, working foremen in the Pipeline Division,³ and all plant protection employees⁴ of the Company, but excluding general office 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 the 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 Atlas Oil & Refining Corporation, Shreveport, Louisiana, 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 Fifteenth 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

Company's pay roll of January 15, 1944, which contained the names of 159 employees in the appropriate unit; and that the cards were dated in December 1943 and January 1944.

³ All parties agreed that the working foremen have no supervisory authority.

⁴ The guards are armed and are taught plant protection methods by the U. S. Army but they are not sworn in as auxiliaries to 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 Field & Refinery Workers Local No. 23091, affiliated with American Federation of Labor, for the purposes of collective bargaining.