

In the Matter of SOUTHEASTERN PIPE LINE COMPANY, and CONGRESS  
OF INDUSTRIAL ORGANIZATIONS,<sup>1</sup>

*Case No. 10-R-1168.—Decided May 16, 1944*

*Mr. C. S. Clay*, of Atlanta, Ga., for the Company.

*Mr. H. W. Denton*, of Atlanta, Ga., 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 the Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of the Southeastern Pipe Line Company, Atlanta, Georgia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George S. Slyer, Trial Examiner. Said hearing was held at Atlanta, Georgia, on April 22, 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 is a Delaware corporation engaged in transporting petroleum products by pipe lines from Port St. Joe, Florida, to various points within the State of Georgia. The Company transports in excess of 10,000 barrels of petroleum products in interstate commerce daily. The Company is a common carrier and owned jointly by the Pure Oil Company and the Gulf Refining Company.

<sup>1</sup> The correct name of the petitioner is that shown in the caption.

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

## II. THE ORGANIZATION INVOLVED

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 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.<sup>2</sup>

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 pumpers, oilers, and laborers at pumping stations, laborers on the pipe line, pipe line walkers, welders, and mechanics of the Company, excluding the warehouse clerks, the engineer, master mechanics, the electrical engineer, 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. The Regional Director is authorized to conduct the balloting by mail.<sup>3</sup>

<sup>2</sup> The Field Examiner reported that the Union submitted 45 authorization cards and that there are 100 employees in the unit.

<sup>3</sup> The employees in the appropriate unit are located along various points between Port St Joe, Florida, and Lookout Mountain, Georgia, a distance of over 450 miles. While the Company objects to balloting by mail, we shall leave the method of balloting within the Regional Director's discretion.

## 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 Southeastern Pipe Line Company, Atlanta, Georgia, 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 Tenth 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 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 the Congress of Industrial Organizations for the purposes of collective bargaining.