

In the Matter of **CARNEGIE NATURAL GAS COMPANY and OIL WORKERS
INTERNATIONAL UNION (CIO)**

Case No. 6-R-823

SUPPLEMENTAL DECISION

- AND

ORDER

June 6, 1944

On January 12, 1944, pursuant to the Decision and Direction of Election issued by the Board herein on December 15, 1943,¹ an election by secret ballot was conducted under the direction and supervision of the Regional Director of the Sixth Region (Pittsburgh, Pennsylvania). Immediately thereafter a Tally of Ballots was furnished by the Regional Director to the Company and to the representative of the participating union.

The Tally indicated that of the approximately 279 eligible voters, 269 cast valid votes of which 129 were for Oil Workers International Union (CIO), herein called the Union, and 140 were against said Union; 2 ballots were challenged.

On January 17, 1944, the Union filed Objections to conduct affecting the results of the election. On February 22, 1944, following an investigation, the Regional Director issued a Report on Objections to the election, in which he found that the objections raised material and substantial issues. Thereafter the Company filed Exceptions to the said Report. On March 3, 1944, the Board issued an Order directing that a hearing be held on all objections to the election covered by the Regional Director's Report. Said hearing was held upon due notice at Pittsburgh, Pennsylvania, on March 18 and 31, 1944, before R. N. Denham, Trial Examiner. The Board, the Company, and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, to introduce evidence bearing on the issues, and to file briefs with the Board. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are

¹ 53 N. L. R. B. 1331.

56 N. L. R. B., No. 219.

herèby affirmed. The Company has requested permission to present oral argument before the Board. Inasmuch as the positions of the parties are clear upon the record, the request is hereby denied.

Upon the entire record in the case, including the Objections, the Report on Objections, the Exceptions thereto, and the record previously made, the Board makes the following:

SUPPLEMENTAL FINDINGS OF FACT

The Union alleges that the Company, through its supervisors, William E. Glascock, Cook Stevenson, A. G. Scott, and W. O. Spitznogle, by intimidatory and coercive statements and conduct, induced employees to vote against the Union in the election. The evidence does not support these allegations insofar as Glascock and Scott are concerned, and we make no findings with respect to them. As to Stevenson and Spitznogle, the record shows the following:

Both Stevenson, an assistant chief engineer for the Company, and Spitznogle, superintendent of compressor stations, visited employees at their homes shortly before the election. On each occasion they made the Union and the forthcoming election the subject of their remarks, urged the employees to vote in the election, and in the course of the conversations attempted to sound out the employees on the union issue. Spitznogle stated to a number of employees that no economic advantage could flow from union representation and cited instances of the Company's generous treatment of its employees in the past. Stevenson remarked to Thomas Thompson, "Tom, you have been with the Company a number of years and know what to do. The Company will continue to run its business whether the Union gets in or not." In conversations with his subordinates Spitznogle conveyed to at least two of them who testified at the second hearing the impression that the Company desired them to vote "No" in the election. In violation of a memorandum² issued by the president of the Company to all supervisors advising them to maintain an attitude of strict neutrality, Spitznogle, when he accosted Dana Toothman and Denzel Hawkins at their work stations and talked to them about the Union, argued that union representation could not prove advantageous to the employees because of the wage "freeze" orders, and further, stated that if the Union should win the election, the Company might lay off its employees during slack periods or depressions in the future, rather than attempt to maintain full employment as it has done in the past.

The Company, in its Exceptions to the Regional Director's Report, denied that the conduct of its supervisors was in any respect intimidatory, and alleged affirmatively that the supervisors visited

² The memorandum was not published. The employees had no knowledge of it.

employees on the eve of the election for purely social reasons, to solicit subscriptions for War Bonds, to assure employees who had inquired that it was not necessary for them to join a union, and to announce the time and place of the election. The record does not support these explanations. The employees testified at the hearing that it was unusual for supervisors to visit them at their homes and engage them in personal conversations, the only precedent for such activity having occurred in August 1943 when the United Mine Workers of America made an abortive attempt to organize the Company's employees. At that time, also, Spitznogle called upon employees at their homes and talked to them at the plant, arguing to them that it would not further their economic interest to join a union. None of the employees accosted by supervisors prior to the election of January 12 was asked to subscribe for War Bonds. We find that Spitznogle and Stevenson talked to employees prior to the election for the purpose of inducing them to vote against the Union. We are of the opinion that Spitznogle's implied threats that a Union victory would jeopardize employees' job tenure in future periods of slack employment may well have induced employees to vote against the Union in the election. We are not satisfied, therefore, that the results of the election represent the free choice of the employees who participated therein, and we shall set it aside. When the Regional Director advises us that the time is appropriate we shall direct that a new election be held among the employees in the appropriate unit.

ORDER

Upon the basis of the foregoing findings of fact, the National Labor Relations Board hereby vacates and sets aside the election held in this proceeding on January 12, 1944, and the result thereof.