

In the Matter of CROWN CENTRAL PETROLEUM CORPORATION and OIL
WORKERS INTERNATIONAL UNION, LOCAL 227, C. I. O.

Case No. 16-R-897.—Decided July 3, 1944

Vinson, Elkins, Weems & Francis, by Messrs. *Warton Weems* and *Leroy Jeffers*, of Houston, Tex., for the Company.

Mandell & Wright, by *Mr. Bliss Daffan*, of Houston, Tex., *Mr. Clyde Ingram*, of Houston, Tex., and *Mr. A. R. Kinstley*, of Fort Worth, Tex., for the Oil Workers.

Messrs. Orville Inge and *B. F. McClellan*, of Houston, Tex., for the Council.

Mr. Stewart E. Stephens, of Minden, La., for the Firemen.

Mr. Louis Cokin, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by Oil Workers International Union, Local 227, C. I. O., herein called the Oil Workers, alleging that a question affecting commerce had arisen concerning the representation of employees of Crown Central Petroleum Corporation, Pasadena, Texas, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert F. Proctor, Trial Examiner. Said hearing was held at Houston, Texas, of June 1, 1944. At the commencement of the hearing, the Trial Examiner granted motions of Houston Labor and Trades Council, A. F. of L., herein called the Council, and International Brotherhood of Firemen & Oilers, A. F. of L., herein called the Firemen, to intervene. The Company, the Oil Workers, the Council, and the Firemen appeared at and participated in the hearing, and all parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. During the course of the hearing, the Council moved that the intervention of the Firemen be revoked. The Trial Examiner reserved ruling thereon. The motion is hereby denied. The Trial Examiner's rulings made

at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded 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

Crown Central Petroleum Corporation is a Maryland corporation with its principal office at Baltimore, Maryland. We are here concerned with its plant at Pasadena, Texas, where it is engaged in the business of buying and selling crude oil and in the refining, sale, and distribution of natural gasoline, petroleum, and petroleum products. The Company purchases and processes over 500,000 barrels of crude oil annually at its Pasadena plant, 10 percent of which is shipped to it from points outside the State of Texas. During 1943 the Company sold products from its Pasadena plant amounting to over 500,000 barrels, approximately 90 percent of which was shipped to points outside the State of Texas.

The Company admits, for the purpose of this proceeding, that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATIONS INVOLVED

Oil Workers International Union, Local 227, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

Houston Labor and Trades Council and International Brotherhood of Firemen & Oilers are labor organizations affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about April 5, 1944, the Oil Workers requested the Company to recognize it as the exclusive collective bargaining representative of the employees at the Pasadena plant. The Company did not reply to this request.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Oil Workers represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

It should be noted that a jurisdictional dispute exists between the Council and the Firemen. However, there is a third labor organization

¹ The Field Examiner reported that the Oil Workers presented 117 authorization cards. There are approximately 265 employees in the appropriate unit. He further reported that the Firemen and the Council submitted 49 and 39 authorization cards, respectively.

involved in this proceeding, not affiliated with the parent body of the Firemen and the Council. Accordingly, we find that such dispute is not a bar to a determination of representatives at this time.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

We find, in substantial agreement with the parties, that all production and maintenance employees at the Pasadena, Texas, plant of the Company, excluding office, clerical, and technical employees, guards, watchman, 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.³

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.

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 Crown Central Petroleum Corporation, Pasadena, Texas, 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 Sixteenth 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,

² See *Matter of Montgomery Ward & Co, Incorporated*, 50 N. L. R. B. 163.

³ The Company employs stillmen, gang pushers, and leaders. The record indicates that none of the employees in these classifications falls within the definition of supervisory employees set forth above, and all parties agreed that they should be included in the unit. Accordingly, we find that they are not supervisory employees. Cf. *Matter of Shell Petroleum Corporation*, 56 N. L. R. B. 318.

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 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 they desire to be represented by Oil Workers International Union, Local 227, affiliated with the Congress of Industrial Organizations, or by Houston Labor and Trades Council, affiliated with the American Federation of Labor, or by International Brotherhood of Firemen & Oilers, affiliated with the American Federation of Labor, for the purposes of collective bargaining, or by none of said organizations.