

In the Matter of SOHIO PIPE LINE COMPANY and OIL WORKERS
INTERNATIONAL UNION (CIO)

Case No. 8-R-1592.—Decided August 30, 1944

Mr. Maurice F. Hanning, of Cleveland, Ohio, for the Company.

Mr. R. T. Aylor, of Argo, Ill., for the Union.

Mr. Seymour J. Spelman, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Oil Workers International Union (CIO), herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Sohio Pipe Line Company, Cleveland, Ohio; herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before William O. Murdock, Trial Examiner. Said hearing was held at Cleveland, Ohio, on August 4, 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. At the hearing, the Company moved to dismiss the petition herein on the ground that it has petitioned the United States Supreme Court for a writ of certiorari in the case of *National Labor Relations Board v. Standard Oil Company, and Ohio corporation, Sohio Pipe Line Corporation, and Latonia Refining Corporation*, 142 F. (2d) 676, enforcing 47 N. L. R. B. 517, in which the Board ordered the disestablishment of the Association of Petroleum Workers of the Standard Oil Company of Ohio. 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 an opportunity to file briefs with the Board:

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

57 N. L. R. B., No. 289.

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Sohio Pipe Line Company, a Delaware corporation and subsidiary of The Standard Oil Company (Ohio), is engaged in the transportation of oil by pipe line. The Eastern Division of the Company, the only Division involved herein, operates and maintains a pipe-line system from Stoy, Illinois, to Wayland Junction, Ohio, and Lima, Ohio. The Company provides transportation services of an annual value in excess of one million dollars and is operating as a common carrier under the Interstate Commerce Act.

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

II. THE ORGANIZATION INVOLVED

Oil Workers International Union, affiliated with 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 the operating and maintenance employees of its Eastern Division 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.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 accordance with a stipulation of the parties, that all operation and maintenance employees of the Eastern Division of the Company, excluding clerical, technical and part-time 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

¹The Field Examiner reported that the Union submitted 48 membership applications and authorization cards, that the names of 47 persons appearing on the cards were listed on the Company's pay roll of July 15, 1944, which contained the names of 81 employees in the appropriate unit; and that the cards were dated from February through July 1944.

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 National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Sohio Pipe Line Company, Cleveland, Ohio, 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 Eighth 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 Oil Workers International Union (CIO), for the purposes of collective bargaining.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Direction of Election.