

In the Matter of STANDARD OIL COMPANY OF CALIFORNIA and OIL WORKERS INTERNATIONAL UNION, C. I. O.

In the Matter of STANDARD OIL COMPANY OF CALIFORNIA and INTERNATIONAL ASSN. OF MACHINISTS, RICHMOND LODGE 824, AFFILIATED WITH THE A. F. OF L.

Cases Nos. 20-R-1079 and 20-R-1109 respectively.—Decided September 26, 1944

Pillsbury, Madison & Sutro, by *Mr. Norbert Korte*, of San Francisco, Calif.; and *Messrs. K. H. Shaffer* and *W. M. Roberts*, also of San Francisco, Calif., for the Company.

Mr. Lindsay P. Walden, of Fort Worth, Tex., and *Mr. Arthur A. Mattos*, of Richmond, Calif., for the C. I. O.

Mr. James F. Galliano, of Oakland, Calif., *Mr. Carl Berner*, of Richmond, Calif., and *Mr. K. C. Apperman*, of Stockton, Calif., for the I. A. M.

Mr. Thomas M. Carlson, of Richmond, Calif., *Mr. Ray N. Gingles*, of Whittier, Calif., *Mr. R. D. Murray*, of Richmond, Calif., and *Mr. Audrey Dunster*, of Richmond, Calif., for the Association.

Mr. Charles J. Janigian, of San Francisco, Calif., and *Mr. Charles F. Daley*, of Vallejo, Calif., for the Boilermakers.

Mr. Charles J. Janigian, of San Francisco, Calif., and *Mr. Joe Giovannini*, of Richmond, Calif., for the I. B. E. W.

Mr. Robert E. Tillman, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon separate petitions duly filed by Oil Workers International Union, C. I. O., herein called the C. I. O., and by International Association of Machinists, Richmond Lodge 824, affiliated with the A. F. of L., herein called the I. A. M. each alleging that a question affecting commerce had arisen concerning the representation of employees of Standard Oil Company of California, Richmond, California, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hear-

ing upon due notice before William P. Webb, Trial Examiner. Said hearing was held on July 17, 18, 20, and 21, 1944, at San Francisco, California. The Company; the C. I. O.;¹ the I. A. M.; and Standard Employees Association, herein called the Association; International Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of America, A. F. of L., herein called the Boilermakers; and International Brotherhood of Electrical Workers, Local B-302, A. F. of L., herein called the I. B. E. W., appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The rulings of the Trial Examiner made at the hearing are free from prejudicial error and are hereby affirmed. All parties were accorded opportunity to file briefs with the Board.²

The company, joined by the Association, moved at the hearing to dismiss the petitions for certification filed by the C. I. O. and the I. A. M. and the I. B. E. W.'s petition of intervention on the grounds that the units sought are inappropriate, that the unit issues raised have been previously determined by the Board, and that the pendency of Case No. 21-C-2167 and the existence of a contract with the Association preclude a present determination of representatives.³ Ruling on this motion was reserved for the Board. In view of the waiver filed by the C. I. O. in connection with Case No. 21-C-2167, and for the reasons stated in Section III and Section IV, *infra*, the motion is hereby denied.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Standard Oil Company of California, a Delaware corporation, maintains its principal offices in San Francisco, California. The Company is engaged in the production, refining, transportation, sale, and distribution of petroleum and petroleum products. It and its subsidiaries and affiliates own, lease, or hold under contract extensive oil lands in the United States and foreign countries. The Company owns and operates refineries at Richmond, Bakersfield, and El Segundo, California, and, in addition to these operations, which alone are involved in the instant proceedings, through subsidiaries, operates

¹ The C. I. O. waived the charges of unfair labor practices which it filed against the Company in Case No. 21-C-2167, insofar as they might constitute a basis for objecting to any election which might result from the instant proceedings

² The Company and the Association requested an opportunity to present oral argument before the Board. Since we perceive no need for oral argument in the present proceedings, the requests are hereby denied

³ With respect to the I. A. M. petition, the Company also contends that the I. A. M. contract is a bar. We find nothing in that contract which precludes the I. A. M. from seeking to expand the unit covered therein

refineries in Texas and British Columbia. The Company also operates seagoing and harbor vessels for the transportation of its products. During the year 1943, the Company produced approximately 87,500,000 barrels of refined petroleum products, of which at least 40 percent was shipped from California to various other States of the United States and to foreign countries. During the same period, the crude petroleum utilized by the Company at its refineries was produced or purchased by it entirely within the State of California. The Company shipped no crude petroleum outside the State of California, but delivered to purchasers, including a subsidiary, in excess of 2,500,000 barrels of crude petroleum, which was transported to States other than California, and to a foreign country. The California Research Corporation, a totally owned subsidiary of the Company, which was incorporated on April 11, 1944, carries on its functions at the Richmond refinery.

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

II. THE ORGANIZATIONS INVOLVED

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

International Association of Machinists, Richmond Lodge 824, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

International Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of America, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

International Brotherhood of Electrical Workers, Local B-302, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

Standard Employees Association is a labor organization, admitting to membership employees of the Company.

III. THE QUESTIONS CONCERNING REPRESENTATION

On April 27, 1944, and on May 8, 1944, the C. I. O. sent letters to the Company requesting recognition as the collective bargaining representative of the employees at its Richmond refinery. The Company refused to extend recognition on the ground that these employees were already represented by the Association. The Company has likewise refused to recognize the I. A. M. as the bargaining representative of the employees specified in the I. A. M.'s petition.⁴

⁴ The last time the I. A. M. made a bargaining request of the Company was in November 1943.

The Company and the Association allege that they are parties to a contract which is a bar to both the petition of the C. I. O. and the petition of the I. A. M. They assert that the agreement consists in part of 24 letters, written in 1934, representing correspondence between the Company and various local groups of the Association, in which these locals requested and were accorded recognition by the Company. In addition to the letters of recognition, they contend that the contract consists of a volume containing the minutes of meetings held between the Company and the Association during the 10 years between April 1934 and March 1944. They also allege that the contract consists in part of verbal agreements.

With respect to the term of this contract, Kenneth H. Shaffer, the Company's general manager of Industrial Relations, testified as follows:

Q. (By Mr. Galliano, counsel for the I. A. M.) Now is the contract . . . Withdraw that. Is there anything in the documents that you claim evidence a contract to show for what term, if any, the contract is for?

A. Well, the contract is a continuing one.

* * * * *

Q. . . . By continuing contract, you mean a contract without any termination whatsoever, it goes on and on and on and on forever?

A. Certainly until some other bargaining agent has the rights to collective bargaining.

We are of the opinion that the contract raised as a bar does not serve to preclude a current determination of representatives for the reason that it is not completely reduced to writing and signed,⁵ and for the further reason that, containing no fixed term, it is an agreement of indefinite duration, which has been in effect for more than 1 year.⁶

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the C. I. O. and the I. A. M. represent a substantial number of employees in the respective units they allege to be appropriate.⁷

⁵ See *Matter of Eicor, Inc.* 46 N. L. R. B. 1035.

⁶ Cf. *Matter of Phelps Dodge Refining Corporation*, 40 N. L. R. B. 1159, and cases cited therein.

⁷ See the following table

Proposed units	Number of employees therein	Cards submitted*		
		C I O	I A. M	I B E W.
Mig Dept Richmond refinery.....	2,150	943	-----	-----
Machinists in Richmond refinery (not currently represented by the I. A. M.).....	27	-----	27	-----
Electricians in Richmond refinery.....	45	-----	-----	37

*The parties stipulated at the hearing that the Association had 1,232 members among the employees at the Richmond refinery

We find that questions affecting commerce have 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 UNITS; THE DETERMINATION OF REPRESENTATIVES

A. *Contentions of the parties*

The C. I. O. seeks a unit generally consisting of only the production and maintenance employees in the Manufacturing Department at the Richmond refinery, excluding, among others, the employees there who are now covered by contracts of the I. A. M. and the Boilermakers and those whom the I. A. M. and the I. B. E. W. seek to represent.⁸

The I. A. M., which at present represents machinists in the Manufacturing Department and the Marine Department at the Richmond refinery, seeks to add to its unit approximately 27 to 30 machinists in the other departments at the refinery.

The I. B. E. W. contends that all electricians and their helpers employed at the Richmond refinery, including the job foreman, constitute an appropriate unit.

The Boilermakers entered an appearance at the hearing largely to insure that the employees it represents under a current contract with the Company are not included in any unit which might be found to be appropriate in these proceedings.

The Association and the Company join in contending that a State-wide unit of classified employees in eight departments of the Company, including, among others, clerical employees, is appropriate,⁹ excluding, among others, the employees whom the I. A. M. and the Boilermakers now represent under their respective contracts.

It appears that there are no conflicting unit claims among the C. I. O., the I. A. M., the I. B. E. W., and the Boilermakers, nor between the Association and the Company on one hand and the Boilermakers on the other.

⁸ The C. I. O.'s proposed unit is specifically as follows:

All production and maintenance employees at the Richmond refinery, including the refinery testing laboratory employees, but excluding all office, clerical, technical, administrative, professional, cafeteria, and supervisory employees (all employees classified as shift foremen or higher), and further excluding all employees of the California Research Corporation (Research and Development Department), Purchase and Stores Department, Motor Transport Department, Administrative Building, Engineering Department, Telephone Department, barrel house clerks, those employees covered by contracts of the I. A. M. and the Boilermakers, and those employees whom the I. A. M. and the I. B. E. W. seek to represent.

⁹ See footnote 10, *infra*.

B. *Considerations affecting scope of unit*

1. The nature of the Company's operations

As stated in Section I, *supra*, the Company produces, refines, and transports petroleum and petroleum products. To carry on its vast enterprise, the Company has over 20 departments, the major ones being as follows:¹⁰

Producing	California Research Corpora- tion
Pipe Line	Marketing
Natural Gas Line	Building Operations
Manufacturing	Marine
Purchase and Stores	
Motor Transport	

The Manufacturing Department is charged with the operation of the Company's 3 refineries located in the State of California at Bakersfield, El Segundo, and Richmond, the latter being the only one to which the petitions upon which these proceedings are based are directed. It appears, however, that certain others of the 10 major departments of the Company also have employees at the refineries. Thus, at the Richmond refinery, the record specifically indicates that there are employees of the Purchase and Stores, Motor Transport, California Research Corporation, and Marine Departments.

The Company's operations are highly integrated. Top management, including the heads of each department, is centralized in the San Francisco offices, from which policies affecting the operations of the Company, including labor policies, emanate. This integration of operations and management is a factor to be considered in favor of the contentions of the Company and the Association that a State-wide unit is appropriate for purposes of collective bargaining.

On the other hand, however, we must consider the geographical location of the various operational units of the Company's enterprise, particularly in a State so large as the State of California. With respect only to the Company's three refineries, the record indicates that the distance between Richmond and El Segundo is 431 miles, between Richmond and Bakersfield is 300 miles, and between El Segundo and Bakersfield is 150 miles. These distances are such that they render effective communication among the mass of the employees of the separate refineries virtually impossible. Moreover, the distances are so great that the employees of the three refineries are not part of the same labor market. The distances preclude widespread temporary interchanges of employees among the three refineries.

¹⁰ Of the 10 departments listed, the Association claims to bargain for employees in all but the Marketing and the Marine Departments

A further factor to be considered at this point is that the organization of the Company is such, despite its integration, that a single refinery could be readily set off for collective bargaining purposes. In this connection, we note that the operations at each refinery are complete in themselves, without dependence on the operations at the other refineries.

Insofar as the nature of the Company's operations is concerned, we conclude that either a State-wide or refinery-wide unit could be found appropriate for collective bargaining purposes.

2. Prior bargaining history

With respect to its refineries, the Company has bargained upon a craft basis and also upon a more or less State-wide comprehensive unit basis. Of the labor organizations with which the Company has dealt, the I. A. M. appears to have enjoyed the longest history of bargaining. It was chartered in 1931 upon application of employees at the Richmond refinery. Its shop committee thereafter bargained with the Company for the machinists at the refinery. After 1936, the I. A. M. sought a contract. Finally, in 1943, the Company consented to a card check and, in 1944, entered into a contract with the I. A. M. The Company and the I. A. M. had not agreed beforehand on the scope of the unit to be covered by the contract. This issue was determined in conciliation proceedings, and the unit was limited to machinists in the Marine and the Manufacturing Departments, thus excluding, against the wishes of the I. A. M., the machinists elsewhere in the Richmond refinery for whom it is now petitioning.

The Company has handled grievances with the Boilermakers since 1919. The latter's current contract, which was executed in May 1944, covers boilermakers in the Manufacturing Department at both the Richmond and the El Segundo refineries.¹¹

From time to time, the Company has discussed grievances of electrical employees with the I. B. E. W., but no agreement has ever been executed because of a dispute over the scope of the unit. However, electrical employees in the Manufacturing Department, throughout California, have been excluded from the Company's dealings with the Association.

Bargaining with the Association dates back to 1934 when, as already indicated in Section III, *supra*, the Company recognized various local groups of the Association throughout its enterprise. For a period of 10 years, the Company and the Association have negotiated upon a State-wide basis for the employees purportedly represented by the Association, their principal meetings having been held at the main offices of the Company in San Francisco.

¹¹ There appear to be no boilermakers at the Bakersfield refinery.

While this Board, in the absence of a material change in circumstances, has generally declined to find units smaller in scope than those established by a long history of collective bargaining, we are persuaded that the history of bargaining in this case should not be given conclusive weight in determining the appropriate unit. We base this conclusion upon the fact that the Company has bargained both on the basis of a large comprehensive unit and on the basis of small craft units. Moreover, as indicated in Section III, *supra*, the bargaining upon a State-wide comprehensive unit basis has not been evidenced by a contract in the form of a single, complete, written document, having a fixed term. We further note that the unit which the contract between the Company and the Association is alleged to cover is nowhere completely delineated, and that it purports to include clerical employees in addition to production and maintenance employees. Consequently, we are unable to conclude that labor relations have been truly stabilized as a result of the contract.¹² We shall consider the bargaining history of the Association, therefore, as merely an indication that bargaining upon a State-wide basis is feasible and not as a conclusive factor in determining the scope of the unit.

3. Bargaining in the industry

The record indicates that no single type of unit has been adopted in the oil industry within the State of California. Some companies have State-wide contract units; others have single-refinery units. Insofar as bargaining in the industry is concerned, therefore, no particular type of unit appears to prevail.

4. Prior determination; present conclusions

In 1938, the Board issued a decision in which it dismissed a petition of the C. I. O. seeking a unit at the El Segundo refinery somewhat similar to that for which it is petitioning herein at Richmond.¹³ The grounds for that decision were stated as the bargaining relations between the Association and the Company upon a State-wide basis; the integration of the Company's operations and management; and the bargaining in the industry upon a State-wide basis. As we have indicated in our present decision, we do not now regard the bargaining relations between the Company and the Association as conclusive. Over 6 years have elapsed since our prior decision, and still bargaining between the Company and the Association has not progressed from its then rudimentary stages to a more mature state as evidenced by a single comprehensive agreement in writing. We have concluded above

¹² See *Matter of Corn Products Refining Company*, 52 N L R B 1324, 1329.

¹³ *Matter of Standard Oil Company of California*, 5 N L R B. 750.

that the Company's integration is not such as to indicate that a single-refinery unit would not be feasible for collective bargaining purposes. Finally, the record in this case does not reveal that the State-wide unit is the accepted one in the petroleum industry in the State of California. Insofar as our former decision conflicts with the instant decision, it is hereby overruled. There is clearly no merit to the contention of the Association and the Company that our prior decision precludes finding any but a State-wide unit to be appropriate at this time.¹⁴

Upon all the foregoing facts, we conclude that either a unit State-wide in scope or units refinery-wide in scope may be found appropriate, and consequently we shall make no final determination as to the appropriate unit or units, pending an indication of the desires of the employees who are sought to be set off in units confined to a single refinery. There remains for consideration the composition of the various voting groups.

C. Composition of the voting groups

As disclosed by the record, the C. I. O. seeks a unit of production and maintenance employees confined to the Manufacturing Department at the Richmond refinery. It appears that there are production and maintenance employees in other departments at Richmond, e. g., Motor Transport, and Purchase and Stores, for whom the Association has bargained. The record clearly indicates that these employees have common interests with employees in the Manufacturing Department. Moreover, the considerations which favor a separate refinery unit do not equally favor a departmental division on a refinery-wide basis. Accordingly, we shall not limit the general voting group at the Richmond refinery to employees in the Manufacturing Department.

We also take note of the California Research Corporation, whose employees the C. I. O. seeks to exclude, whereas the Company and the Association would include them. Prior to April 11, 1944, the Company had a department known as the Research and Development Department.¹⁵ On that date, a separate corporation was established to take over the work of the Research and Development Department. Classifications of employees remained unchanged, however. This corporation, known as the California Research Corporation, hereinafter sometimes referred to as the Corporation, is a wholly owned subsidiary of the Company and functions today as though it were still an integrated department of the Company. Its functions include providing technical guidance and assistance to the operating departments.

The C. I. O. objects to including employees of the Corporation in the unit on the ground that they are engaged in research work not

¹⁴ See *Matter of Pacific Greyhound Lines*, 9 N. L. R. B. 557, 573-4.

¹⁵ Several years ago, this department was part of the Manufacturing Department.

wholly confined to the work of the Richmond refinery, that their work is of a scientific, technical, and professional character, and that the Corporation is a separate subsidiary of the Company. The record indicates that many employees of the Corporation are performing work comparable either to that of the laboratory employees in the Manufacturing Department whom the C. I. O. would include, or to that of operating employees in the Manufacturing Department. There is considerable interchange and transfer of employees between the Corporation and the Manufacturing Department. Moreover, it appears that the Company has two types of pay rolls, one, the classified, chiefly contains the daily paid employees and salaried clerical employees, and the other, the unclassified, contains the salaried employees not subject to the Fair Labor Standards Act. No one contends that any of the Company's employees or the Corporation's employees on the unclassified pay roll should be included in any unit to be found appropriate herein. The highly trained technical and professional employees appear on the unclassified pay roll and, accordingly, would not be included in any unit at this time.

Despite its separate corporate existence, the record is clear that the functions of the Corporation are integrated with those of the Manufacturing Department. The Manufacturing Department laboratory does considerable work for the Corporation almost continuously, and, occasionally, the Corporation does work for the laboratory. Under the circumstances, we are not persuaded that the employees of the Corporation on the classified pay roll should not be included in a refinery-wide unit. We shall, therefore, include them in the general refinery voting group, as well as the production and maintenance employees on the classified pay roll in other departments at the refinery, with exclusions hereinafter noted.

As previously indicated, the C. I. O. would exclude the employees whom the I. A. M. and the I. B. E. W. now seek to represent, whereas the Association would include them. The present I. A. M. contract unit covers approximately 225 employees in a maintenance machine shop in the Manufacturing Department and in a small machine shop in the Marine Department. In addition to these employees, the Company has 4 or 5 machinists in the Purchase and Stores Department who operate lathes and drill presses in reclaiming valves and fittings; a group of about 20 mechanics in the Corporation who operate lathes and work over automobile engines undergoing oil tests; and 4 or 5 auto mechanics in the Motor Transport Department who repair automotive equipment. The I. A. M. and the Association claim to have handled grievances for these employees. The testimony on the matter is in conflict, but need not be resolved. We find that the employees, whom the I. A. M. is seeking to add to its present contract unit are identifiable, skilled craftsmen. The addition of these employees to

the present contract unit would result in a refinery-wide craft unit of machinists, which, in our opinion, could constitute an appropriate unit. Accordingly, we shall not include these employees in the general refinery voting group, but shall establish them as a separate voting group to determine whether they desire to be included in a refinery-wide craft unit or in a State-wide comprehensive unit.

The electricians in the refinery have a shop under the maintenance operations of the Manufacturing Department. They do maintenance and repair work on electrical equipment throughout the refinery as well as construction and installation work. There also appear to be one or two electrical employees in the Corporation. We find that the electrical employees at the Richmond refinery are indentifiable, skilled craftsmen. At present, they appear to be in no bargaining unit. We are of the opinion that they may bargain separately as a refinery-wide craft unit or be included in a State-wide comprehensive unit. Accordingly, we shall not include the electrical employees in the general refinery voting group, but shall establish them as a separate voting group to determine whether they desire to constitute a separate refinery-wide craft unit or be included in a State-wide comprehensive unit.

There are no disputes over specific categories to be included in the electricians' voting group and the machinists' voting group which we have established above. However, as to the general refinery voting group, the C. I. O. seeks to exclude, and the Association and Company to include, the categories of employees which are treated separately below:

Shift foremen relay orders from regular foremen to from 15 to 40 men who may be under them, and see that the work is performed safely. They are designated on the pay roll as Foreman Operator A, B, and C. They have no effective power to make recommendations affecting the status of employees under them. We shall include them in the general refinery voting group.

Office and clerical employees: The Company employs approximately 114 so-called field clerks who work in and about the refinery with production employees compiling data, and 131 office clericals. All the clerical employees are under a chief clerk. Interchange of field and office clerks is not unusual. We are not persuaded that the interests of the Company's office and clerical employees are so closely inter-related with the interests of production and maintenance employees as to justify, in and of itself, a departure from our general policy of excluding the former employees from units of the latter employees. Nor do we regard the fact that office and clerical employees have been included in bargaining relations between the Company and the Association as determinative of the issue herein, since such history of

bargaining did not develop as a result of a determination by this Board; and is not typical of the petroleum industry.¹⁶ We shall exclude the office and clerical employees.¹⁷

Cafeteria employees: The record discloses little respecting cafeteria employees. Since we do not ordinarily include such employees in production and maintenance units because of their diverse interests and backgrounds, in the absence of agreement among the interested unions, we shall exclude them in the instant proceedings.

Engineering Division technical employees: The Engineering Division is one of five divisions of the Manufacturing Department. It consists of the engineering staff, draftsmen, and the construction and maintenance operations. The record indicates that the technical and professional employees therein are listed on the unclassified, not the classified pay roll. Since we are including only employees on the classified pay roll, it becomes unnecessary to rule specifically with respect to the technical employees in the Engineering Division.

Telephone operators are under the Manufacturing Department. They operate a switchboard in the Administration Building. We are persuaded that their interests are more closely related to those of the office and clerical employees than to those of production and maintenance employees. Accordingly, we shall exclude them from the general refinery voting group.

Administration Building employees: Besides the office and clerical employees and the telephone operators, there are employed in the Administration Building janitors, draftsmen, and photo reproduction employees. While the record is not clear, it would appear that the janitors are engaged only in cleaning offices. We shall therefore exclude janitors in the Administration Building. The draftsmen are among the Engineering Division technical employees discussed above. We shall exclude the photo reproduction employees since they appear to have little in common with the production and maintenance employees.

It appears from the record that the Association has bargained for the Company's guards, who are militarized. The record does not clearly indicate the position of the C. I. O. as to guards. Since we customarily exclude militarized guards from units of production and maintenance employees, we shall exclude the Company's militarized guards from the general refinery voting group.

¹⁶ See *Matter of Sharp & Dohme, Inc.*, 56 N. L. R. B. 1471, and cases cited therein.

¹⁷ Our decision in this respect applies equally to the field or plant clerical employees since they are under office supervision and not under the supervision of production supervisors. See *Matter of Brown Shoe Company, Inc.*, 57 N. L. R. B. 1687.

D. Concluding findings

In view of our findings with regard to the units sought by the C. I. O., the I. A. M., and the I. B. E. W., as we have already stated, we shall make no final determination at this time of the appropriate unit or units. We shall direct that the questions concerning representation which have arisen be resolved by separate elections by secret ballot among the employees in the following voting groups who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth therein: (1) all machinists, machinist helpers and apprentices employed in the Purchase and Stores Department, the California Research Corporation, and the Motor Transport Department at the Richmond refinery, including job foremen, but excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by the I. A. M., the Association, or neither;¹⁸ (2) all electricians and their helpers employed at the Richmond refinery (including the California Research Corporation), including the job foreman, but excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by the I. B. E. W., the Association, or neither; (3) all remaining production and maintenance employees on the classified pay roll at the Richmond refinery (including the California Research Corporation), including shift foremen, but excluding employees covered at present by contracts of the I. A. M. and the Boilermakers, and excluding office and clerical employees, telephone operators, cafeteria employees, office janitors, photo reproduction employees, militarized guards, technical and professional 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, to determine whether they desire to be represented by the C. I. O., the Association, or neither.

Upon the results of these elections will depend, in part, our determination of the appropriate unit or units. If a majority of the employees in any of the three voting groups select an organization other than the Association, they will have indicated their desire to constitute a separate refinery-wide appropriate unit; if a majority of the employees in any of the three voting groups choose the Association, they will have indicated their desire to be included in a State-wide, comprehensive bargaining unit. Any certification resulting from such

¹⁸ The C. I. O. does not desire to represent the employees in voting groups 1 or 2.

elections will, however, be without prejudice to any findings we may subsequently make in Case No. 21-C-2167 respecting the status of the Association.

DIRECTION OF ELECTIONS

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 Standard Oil Company of California, Richmond, California, separate elections by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction of Elections, under the direction and supervision of the Regional Director for the Twentieth 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 following employees who were employed by the Company during the pay-roll period immediately preceding the date of this Direction of Elections, 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 elections:

1. All machinists, machinist helpers and apprentices employed in the Purchase and Stores Department, the California Research Corporation and the Motor Transport Department at the Richmond refinery, including job foremen, but excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by International Association of Machinists, Richmond Lodge 824, affiliated with the A. F. of L., or by Standard Employees Association, for the purposes of collective bargaining, or by neither;

2. All electricians and their helpers employed at the Richmond refinery (including the California Research Corporation), including the job foremen, but excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by International Brotherhood of Electrical Workers, Local B-302, A. F. of L., or by Standard Employees Association, for the purposes of collective bargaining, or by neither; and

3. All production and maintenance employees on the classified pay roll at the Richmond refinery (including the California Research Corporation), including shift foremen, but excluding employees covered at present by contracts of the International Association of Machinists, Richmond Lodge 824, affiliated with the A. F. of L. and the International Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of America, A. F. of L., and further excluding office and clerical employees, telephone operators, cafeteria employees, office janitors, photo reproduction employees, militarized guards, technical and professional employees, all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, and all employees included in groups 1 and 2, above, to determine whether they desire to be represented by Oil Workers International Union, C. I. O., or by Standard Employees Association, for the purposes of collective bargaining, or by neither.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Elections.