

In the Matter of GREAT SOUTHERN CORPORATION¹ and LODGE #1276,
INTERNATIONAL ASSOCIATION OF MACHINISTS (A. F. OF L.)

In the Matter of GREAT SOUTHERN CORPORATION and AMERICAN FED-
ERATION OF LABOR AND AFFILIATES

Cases Nos. 16-R-914 and 16-R-971, respectively.—Decided October
17, 1944

Messrs. Levien, Singer and Neuburger, by *Mr. Stuart H. Steinbrink*,
of New York City, for the Company.

Mr. W. L. Grant, of Houston, Tex., for the I. A. M.

Messrs. A. J. Reinhard, H. L. Goolsby, M. B. Grimes, Jeff Mullaly,
Eugene Hendricks, and C. M. Baker, all of Corpus Christi, Tex., for
the A. F. L.

Messrs. T. M. McCormick, A. R. Kinstley, and V. C. McLaughlin,
all of Fort Worth, Tex., for the C. I. O.

Mr. David V. Easton, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon an amended petition duly filed by Lodge #1276, Interna-
tional Association of Machinists (A. F. of L.), herein called the
I. A. M., and upon an amended petition duly filed by American Fed-
eration of Labor and Affiliates, herein called the A. F. L.,² alleging
that questions affecting commerce had arisen concerning the repre-

¹The Trial Examiner granted a motion of the petitioner at the hearing to delete from the title in this proceeding all reference to Pontiac Refining Corporation, which had previously been joined as a party

²International Brotherhood of Electrical Workers, Local 278, Plumbers, Steamfitters and Steamfitter Welders, Local No 185, and International Union of Operating Engineers, Local Union No 450 executed and filed the petition in Case No 16-R-971 as American Federation of Labor and Affiliates. At the hearing, International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America intervened. The record clearly indicates that the four labor organizations above mentioned are acting as a single entity in this proceeding under the designation set forth in the petition

sentation of employees of Great Southern Corporation, Corpus Christi, Texas, herein called the Company, the National Labor Relations Board consolidated the cases by an order dated August 4, 1944, and provided for an appropriate hearing upon due notice before John A. Weiss, Trial Examiner. Said hearing was held at Corpus Christi, Texas, on August 18 and 19, 1944. The Company, the I. A. M., the A. F. L., and Oil Workers International Union, C. I. O., herein called the C. I. O., 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 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

Great Southern Corporation, a Texas corporation, is a wholly owned subsidiary of Pontiac Refining Corporation and an affiliate of Pontiac Pipe Line and Export Company, both Texas corporations. The Company is engaged in the petroleum refining industry, producing 100-octane aviation gasoline and selling such gasoline and its byproducts. Its activities are wholly confined to Corpus Christi, Texas, where it has its principal office and only place of business. All 100-octane aviation gasoline produced by the Company is sold under a supply contract to Defense Supplies Corporation, and almost all byproducts of said gasoline are sold by the Company pursuant to said supply contract to its parent corporation, Pontiac Refining Corporation. Almost all of the 100-octane aviation gasoline produced by the Company is shipped to points outside the State of Texas. The Company's byproducts, which are sold to its parent company, are blended into various products and are resold in interstate commerce. All charge stocks and blending components are obtained by the Company from points within the State of Texas. However, the tetraethyl lead used in the production of 100-octane aviation gasoline and various other chemicals used in the process of making such gasoline, are purchased from points outside the State of Texas. The Company's sales now aggregate more than 150,000 barrels per month, or a monthly dollar volume of more than \$750,000, of which more than 50 percent is shipped to points outside the State of Texas.

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

II. THE ORGANIZATIONS INVOLVED

American Federation of Labor and Affiliates is a labor organization, admitting to membership employees of the Company.³

Lodge #1276, International Association of Machinists, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

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

III. THE QUESTIONS CONCERNING REPRESENTATION

The Company refuses to recognize any labor organization as the collective bargaining representative of its employees in the absence of certification by the Board.

Statements of a Field Examiner, introduced into evidence at the hearing, indicate that the I. A. M. and the A. F. L. each represents a substantial number of employees in the units which each proposed in its petition.⁴

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

The Company and the C. I. O. agree that all operating and maintenance employees of the former, including assistant yard foremen, assistant instrument foremen, and shop foremen, but excluding plant-protection employees, office and clerical employees, technical and laboratory employees, terminal employees, shift foremen, unit foremen, assistant maintenance foremen, and all other supervisory employees constitute an appropriate unit. The I. A. M. contends that a unit consisting of all employees of the machine shop department, exclusive of supervisors is appropriate. The A. F. L., in its petition, originally sought a unit similar to that which the Company and the Oil Workers contend is proper; at the hearing it agreed to exclude from its proposed unit machinists, welders, and their respective helpers, employees whom the I. A. M. seeks to represent herein. However, toward the close of

³The Company, although conceding that each of the organizations which comprise the A. F. L., is a labor organization, contends that, collectively, they do not constitute a labor organization. We find no merit in this contention. See *Matter of Duke Manufacturing Company*, 53 N. L. R. B. 1237

⁴The Field Examiner reported that the I. A. M. submitted 17 authorizations of which 14 "checked on pay roll" of the Company for the period ending June 15, 1944. Said pay roll indicated that there were 16 employees in the unit sought by the I. A. M.

He further reported that the A. F. L. submitted 55 valid designations and the C. I. O. 13 designations which "checked on pay roll" of the Company for the period ending June 15, 1944. The record indicates that there are approximately 135 to 140 employees in the unit proposed by the A. F. L.

the hearing, and in a brief submitted by International Union of Operating Engineers, Local No. 450, the A. F. L. indicated that it reverted to its original contention.⁵

The Company operates a comparatively small refinery employing a total of approximately 210 employees. Of these, about 135 are engaged as operating and maintenance employees. The operating employees, under the supervision of an assistant superintendent of operations, are divided into several groups, each under a unit foreman. These groups operate the various productive units which manufacture aviation fuel and its byproducts. Shift foremen assist the unit foremen, and coordinate the work of the various units. The maintenance employees, under the supervision of the maintenance foreman, are divided among the yard, the electrical department, the instrument department and the machine shop. Responsible to the maintenance foreman are 4 assistant maintenance foremen. Lowest in the maintenance supervisory hierarchy are the assistant yard foreman, the assistant instrument foreman and the shop foreman who are the immediate supervisors of the employees in the yard, the instrument department and the machine shop respectively.

The parties agree that the unit foremen, shift foremen, and assistant maintenance foremen are supervisory employees, and should therefore be excluded. They also agree that the assistant yard foreman, the assistant instrument foreman, and the shop foreman should be included. The record indicates, however, that the last three classifications of employees possess, in common with those classifications admittedly supervisory, authority to make recommendations with respect to hiring and discharging which are accorded weight by the Company. Under these circumstances, we are of the opinion that the assistant yard foreman, the assistant instrument foreman, and the shop foremen are supervisory employees, and we shall therefore exclude them.

As previously indicated, the I. A. M. seeks a unit of employees engaged in the machine shop. This machine shop is a separate building, and engaged therein are employees classified as machinists, welders, and helpers. They are permanently assigned to the machine shop, and are under the immediate supervision of the shop foreman, although they spend a considerable portion of their time outside the machine shop, making repairs on equipment too large to be brought into the shop. In addition, they perform other machine work as may be incidental or helpful to other types of maintenance employees, such as electricians, boilermakers, pipefitters, riggers, and carpenters.

⁵ It should be noted that a jurisdictional dispute exists between the A. F. L. and the I. A. M. However, since there is a third labor organization involved in this proceeding, not affiliated with the American Federation of Labor, we shall not refuse to entertain the petitions herein. See *Matter of Crown Central Petroleum Corporation*, 57 N. L. R. B. 13, and cases cited therein.