

IN the Matter of YALE PETROLEUM COMPANY *and* OIL WORKERS  
INTERNATIONAL UNION, C. I. O.

*Case No. 17-R-1029.—Decided February 19, 1945*

*Mr. Y. A. Land*, of Tulsa, Okla., for the Company.

*Mr. B. J. Rickey*, of Casper, Wyo., for the Union.

*Mr. Jack Mantel*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Oil Workers International Union, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Yale Petroleum Company, Denver, Colorado, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Elmer L. Hunt, Trial Examiner. Said hearing was held at Lovell, Wyoming, on January 16, 1945. 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. 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

Yale Petroleum Company is a Wyoming corporation with its principal place of business at Denver, Colorado. It is engaged in the production of crude oil at two fields; the Garland Field, located near Lovell, Wyoming, and the Oregon Basin Field, located approximately 20 miles from Cody, Wyoming. During the 10-month period

ending October 31, 1944, the Company produced crude oil worth in excess of \$250,000. During the same period, the production of crude oil at Garland Field was at the rate of over 370 barrels a day valued in excess of \$78,000. All the crude oil produced at Garland is sold to the Carter Oil Company, a subsidiary of the Standard Oil Company of New Jersey. During the same period, the production of crude oil at Oregon Basin Field was at the rate of approximately 2,800 barrels a day; about 2,000 barrels being sold to the Carter Oil Company, and 800 barrels to The Texas Company. The oil purchased by the Carter Oil Company is refined at Lovell, Wyoming, into finished products consisting of gasoline, fuel oil, and distillates thereof; 25 percent of such production is sold and delivered to points outside the State of Wyoming. The oil purchased by The Texas Company is refined at Cody, Wyoming, into finished products, of which approximately 75 percent is sold and delivered to points outside the State of Wyoming. Yale Petroleum Company is a subsidiary of The Texas Company, a Delaware corporation.

We find that the Company 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 its employees 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.<sup>1</sup>

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

The Union seeks a unit comprised of all production and maintenance employees at the Company's Garland Field operation, exclud-

<sup>1</sup> The Board agent reported that the Union submitted four authorization cards, and that the Company's pay roll of November 15, 1944, contained the names of six employees in the unit hereinafter found appropriate.

ing all clerical workers and supervisory employees. The Company does not oppose the specific composition of the proposed unit, but contends that the appropriate unit should comprise employees at both the Garland Field and the Oregon Basin Field.

The entire operations of the Company are confined to the Garland and Oregon Basin Fields, both located in the State of Wyoming. Garland is 10 miles west of the town of Lovell; Oregon Basin is approximately 35 miles west of Garland; making a distance of about 45 miles between Oregon Basin and Lovell. Most of the employees at Garland reside at Lovell, whereas the majority of the employees at Oregon Basin live about 20 miles away at Cody, Wyoming, some employees living at the respective fields where they are employed.

The operations of Garland and Oregon Basin are directed from the Company's home office in Denver, Colorado. Each field is under the supervision of a superintendent, who has authority to hire and discharge employees under his respective supervision; pay checks are made out separately for the employees at each field and mailed directly to each superintendent for delivery to the employees; the pay rolls of each field are maintained separately. While the work performed by the men in both fields is similar, during the past 6 months, there has been a temporary interchange of but five or six employees between both fields. While the employees at both fields have approximately the same hours, pay, and working conditions, Oregon Basin operates on a three-shift basis, Garland having but one shift.

In addition to the separateness of the operations outlined above, it appears that the Union's organizational campaign has been confined to Garland, whose employees are eligible for membership in Local 503 at Lovell. Local 373 of the Union at Cody, Wyoming, has jurisdiction over the employees at the Oregon Basin operation. As yet, no attempt to organize the employees at Oregon Basin has been made by Local 373. In view of the foregoing, and since the employees at Garland Field constitute a fairly stable and well-defined group, we are of the opinion that they can function effectively as a separate unit for the purposes of collective bargaining.<sup>2</sup>

We find that all production and maintenance employees at the Garland Field operation near Lovell, Wyoming, of the Company, excluding clerical workers and the superintendent, and all other 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.

<sup>2</sup> See *Matter of The Prosperity Company, Inc.*, 55 N. L. R. B. 350

## 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 Yale Petroleum Company, Denver, Colorado, 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 Seventeenth 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, C. I. O., for the purposes of collective bargaining.

Mr. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.