

In the Matter of STANDARD OIL COMPANY OF CALIFORNIA and CALIFORNIA TANKERS OFFICERS ASSOCIATION and MASTERS, MATES AND PILOTS OF AMERICA, A. F. L. and MARINE ENGINEERS' BENEFICIAL ASSOCIATION, No. 97, C. I. O.

*Cases Nos. 20-R-1312, 20-R-1366, and 20-R-1367.—Decided April 18, 1946*

*Pillsbury, Madison and Sutro, by Mr. Norbert Korte, of San Francisco, Calif., for the Company.*

*Messrs. William H. Hoogs and Richard K. Frisbe, both of Berkeley, Calif., and Mr. Bruce H. Christian, of Richmond, Calif., for the C. T. O. A.*

*Mr. H. C. Banks and Captain V. Westerhold, both of San Francisco, Calif., for the M. M. P.*

*Mr. J. E. Jerome and National Labor Bureau, by Mr. Joseph Abihider, both of San Francisco, Calif., for the M. E. B. A.*

*Mr. Ralph D. Finch, of San Francisco, Calif., for the C. T. U.*

*Mr. Philip A. O'Rourke, of San Francisco, Calif., for the A. C. A.*

*Mr. Warren H. Leland, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon separate petitions duly filed by California Tankers Officers Association, herein called the C. T. O. A., Masters, Mates and Pilots of America, A. F. L., herein called the M. M. P., and Marine Engineers' Beneficial Association, No. 97, C. I. O., herein called the M. E. B. A., each alleging that a question affecting commerce had arisen concerning the representation of employees of Standard Oil Company of California, San Francisco, California, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before Robert E. Tillman, Trial Examiner. The hearing was held at San Francisco, California, on December 5, 1945. At the commencement of the hearing the Trial Examiner granted motions to intervene by American Communications Association, Pacific District Marine Local No. 3, C. I. O.,

67 N. L. R. B., No. 65.

herein called the A. C. A., and Radio Officers' Union Marine Division of the Commercial Telegrapher's Union, A. F. L., herein called the C. T. U. The Company, the C. T. O. A., M. M. P., M. E. B. A., A. C. A., and C. T. U., 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 opportunity to file briefs with the Board. The motion made by the Company to strike the brief of the M. E. B. A. on the ground the Company had not received a copy, is hereby denied. The Company has since been furnished with a copy of the brief.

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 maintaining its principal offices in San Francisco, California, is engaged in the producing, refining, transportation, sale, and distribution of petroleum and petroleum products. The Company and its subsidiaries and affiliates lend, lease, or hold under contract, extensive oil lands in the United States and foreign countries. It owns and operates refineries at Richmond, Bakersfield, and El Segundo, California, and, in addition to these operations, through subsidiaries operates refineries in Texas and British Columbia.

The Company also operates 15 seagoing tankers and 11 inland vessels on San Francisco Bay and its tributaries. The tankers are used to transport crude oil from pipe-line terminals to refineries, and refined products from refineries to points located inside and outside the State of California. The inland vessels are used to transport petroleum products to customers, ships, and plants, and to company redistribution terminals. Rail and truck facilities and common carriers are also engaged to transport the Company's refined products from refineries to points located outside the State of California.

During the year 1944, the Company produced approximately 90 million barrels of refined petroleum products, of which 38.2 percent was shipped from the State of California to various other States of the United States and foreign countries.

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

#### II. THE ORGANIZATIONS INVOLVED

California Tankers Officers Association is an unaffiliated labor organization, admitting to membership employees of the Company.

Masters, Mates and Pilots of America, is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

Marine Engineers' Beneficial Association, No. 97, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

American Communications Association, Pacific District Marine Local No. 3, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

Radio Officers' Union Marine Division of the Commercial Telegrapher's Union is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

### III. THE QUESTIONS CONCERNING REPRESENTATION

The Company has refused to grant recognition to the C. T. O. A., M. M. P., or M. E. B. A. as the exclusive bargaining representative of certain of its employees until they have been certified by the Board in appropriate units.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the C. T. O. A. represents a substantial number of employees in the unit alleged by it to be appropriate.<sup>1</sup>

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 UNIT

The C. T. O. A. seeks a unit of all licensed personnel on the Company's seagoing tankers, including licensed deck personnel, licensed engineers, and licensed radio operators. The Company agrees to the composition of this unit, except that it would exclude masters and chief engineers.

The M. M. P. seeks a unit of all licensed deck personnel on the Company's seagoing tankers, including masters, mates, and pilots.

The M. E. B. A. seeks a unit of all licensed engineering personnel on the Company's seagoing tankers, including chief engineers and assistant engineers.

The A. C. A. and the C. T. U. seek a unit of all licensed radio operators on the Company's seagoing tankers.

<sup>1</sup> The Field Examiner reported that the C. T. O. A. submitted 148 authorization cards in the unit of approximately 207 employees sought by it; the M. M. P. submitted 23 application cards in the unit of approximately 90 employees it seeks; the M. E. B. A. submitted 19 application cards in the unit of approximately 95 employees it desires; and the A. C. A. and the C. T. U. submitted 2 and 3 application cards, respectively, in the unit of approximately 22 employees sought by them.

We have repeatedly held, in the light of differences in qualifications, responsibilities, and duties between licensed deck officers and licensed engineers, that each group constitutes a separate appropriate unit; and we have also determined that the reasons which underlie the finding that licensed deck officers and licensed engineers constitute separate appropriate groupings are equally applicable to radio operators, impelling the conclusion that these employees also form a segregated appropriate unit.<sup>2</sup> Consequently, we are of the opinion that these three groups of employees comprise three separate appropriate units.

The Company urges that masters and chief engineers be excluded, apparently on the ground that they possess higher supervisory authority than the other employees here concerned. However, the unit of licensed deck officers, including masters, sought by the M. M. P., and the unit of licensed engineers, including chief engineers sought by the M. E. B. A., are traditional groupings in the maritime industry, and each is composed entirely of supervisory employees with comparable skills, qualifications, duties, authority, responsibilities and interests. We shall, therefore, include the masters in the unit of licensed deck personnel, and the chief engineers in the unit of licensed engineers.<sup>3</sup>

We find that the following units are appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

- (1) All licensed deck officers employed by the Company on its seagoing tankers, including masters, mates, and pilots, and licensed deck personnel of the relief crew;
- (2) All licensed engineers employed by the Company on its seagoing tankers, including chief engineers, assistant engineers, and licensed engineers of the relief crew;
- (3) All licensed radio operators employed by the Company on its seagoing tankers, including licensed radio operators of the relief crew.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the questions concerning representation which have arisen be resolved by elections by secret ballot among employees in the appropriate units.

In view of the fact that there may be uncertainty as to the arrival, departure, routes, and personnel of vessels under the Company's present operations, we shall direct that the Regional Director for the Twentieth Region, under whose direction the elections will be held, shall determine the exact time, place, and procedure for giving notice of the elections and for balloting; those eligible to vote will be those employees in the appropriate units employed on each vessel as of the

<sup>2</sup> See *Matter of Tide Water Associated Oil Company*, 38 N. L. R. B. 582.

<sup>3</sup> Cf. *Matter of Jones & Laughlin Steel Corporation*, 37 N. L. R. B. 366, and cases cited therein.

date of the Direction of Elections, subject to the limitations and additions set forth therein.<sup>4</sup>

### 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, San Francisco, California, separate elections by secret ballot shall be conducted as soon as convenient and begin as promptly as is practical after the date of this Direction, in conformity with the instructions set forth in Section IV, above, for the conduct of such 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 employees in the units found appropriate in Section IV, above, employed on each vessel as of the date of this Direction, including employees who are not now, or at the time balloting takes place, at work because they are 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, to determine:

1. Whether the employees in Unit (1), described in Section IV, above, desire to be represented by Masters, Mates and Pilots of America, A. F. of L., or by California Tankers Officers Association, for the purposes of collective bargaining, or by neither;

2. Whether the employees in Unit (2), described in Section IV, above, desire to be represented by Marine Engineers' Beneficial Association, No. 97, C. I. O., or by California Tankers Officers Association, for the purposes of collective bargaining or by neither;

3. Whether the employees in Unit (3), described in Section IV, above, desire to be represented by American Communications Association, Pacific District Marine Local No. 3, C. I. O., or by Radio Officers' Union Marine Division of the Commercial Telegrapher's Union, A. F. L., or by California Tankers Officers Association, for the purposes of collective bargaining, or by none of these organizations.

<sup>4</sup> See *Matter of Standard Oil Company of California*, 58 N. L. R. B. 554.