

In the Matter of STANDARD OIL COMPANY OF CALIFORNIA and INTERNATIONAL ASSOCIATION OF OIL FIELD, GAS WELL AND REFINERY WORKERS OF AMERICA

Case No. XXI-R-3.—Decided April 23, 1936

Oil Refining Industry—Labor Organization: Board will not intervene in internal affairs of—*American Federation of Labor—Jurisdictional Dispute—Unit Appropriate for Collective Bargaining:* Board will not determine where only question involved is one of internal affairs of labor organization—*Petition for Investigation and Certification of Representatives:* denied:

Mr. Stanley S. Surrey, of counsel to the Board.

DECISION

STATEMENT OF CASE

On December 5, 1935, the International Association of Oil Field, Gas Well and Refinery Workers of America, hereinafter referred to as the Oil Workers Union, filed a petition with the Regional Director for the Twenty-first Region, requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, approved July 5, 1935. The petition stated that the Oil Workers Union represented about 700 employees out of a bargaining unit consisting of all employees engaged at the El Segundo Refinery, El Segundo, California, of the Standard Oil Company of California (hereinafter referred to as the Company) with the exception of office, professional, hospital, laboratory and supervisory employees; that a company-wide Association, the Standard Employees Association, claimed to represent the employees in said unit; that the Oil Workers Union had been unsuccessful in its attempts to bargain with the Company; and that the above claim of the Standard Employees Association and the conduct of the Company gave rise to a question affecting commerce concerning the representation of the employees in said unit. The Oil Workers Union requested that the National Labor Relations Board investigate the controversy and certify to the parties the name or names of the representatives that have been designated or selected by said employees.

After the petition had been filed, the Board was advised by the Regional Director of the following developments in the matter. Several unions, upon being informed of the filing of the above petition,

protested against the holding of an election at the El Segundo Refinery. These unions were the International Association of Machinists, International Union of Operating Engineers, International Brotherhood of Firemen and Oilers, International Brotherhood of Electrical Workers, and International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers. They are joined together in the Oil Industry Metal Trades Council of Southern California. These organizations claimed jurisdiction over those employees at the El Segundo Refinery alleged by them to be eligible for membership in the respective Unions and consequently denied the jurisdiction of the Oil Workers Union over such employees. They contended that if an election were held the choice on the ballot for those employees should be between the appropriate Union out of the group named above and the Standard Employees Union, so that the Oil Workers Union would not appear on such ballots. The Oil Workers Union, apparently conceding the claim of the Boiler Workers Union, requested permission to amend its petition by adding the "boiler-workers, welders and helpers" to the list of employees to be excluded from the bargaining unit. As a result, the Boiler Workers Union agreed to withdraw its protest. The remaining four protesting Unions then proposed a Joint Council, composed of themselves and the Oil Workers Union, as the candidate to oppose the Standard Employees Association. This proposal was rejected by the Oil Workers Union on the ground that these four Unions had no members employed at the El Segundo Refinery of the Company.¹ It claimed that under such circumstances they were not entitled to a place on the ballot. Conferences conducted by the Regional Director failed to resolve the deadlock on this point among the several Unions.²

CONCLUSION

The petition in the instant case on its face concerns a controversy between the Oil Workers Union and the Standard Employees Association as to which represents a majority of the employees at the El Segundo Refinery of the Company. The former Union is a labor organization affiliated with the American Federation of Labor.³ However, four other labor organizations, also affiliated with the American Federation of Labor,⁴ contest the "jurisdiction" of the Oil

¹ For the purpose of this decision the Board assumes that the assertion concerning the total lack of members on the part of the four protesting Unions is supported by the facts.

² There were in addition several grounds of contention between the Oil Workers Union and the Company with respect to the geographical limits of the unit and the exclusion of the groups listed on the original petition.

³ Report of the Proceedings of the Fifty-Fifth Annual Convention of the American Federation of Labor, October 7-19, 1935, at page 33.

⁴ *Ibid.*, at 32-33.

Workers Union over certain of those employees—the machinists, engineers, electricians, firemen and oilers. These four Unions claim that under the existing jurisdictional rules of the American Federation of Labor they, and not the Oil Workers Union, are the labor organizations that are entitled to represent such employees. Under the National Labor Relations Act, such a controversy would be couched in the terms of Section 9 (b)—shall the bargaining unit include or exclude those employees? But in so far as the labor organizations affiliated with the American Federation of Labor are concerned it is simply a jurisdictional dispute involving the question of whether such groups of employees when working in oil fields should be organized by the American Federation of Labor upon a “craft” basis or upon a “semi-industrial” basis.

In *In the Matter of Brown and Williamson Tobacco Corporation*, decided this day, the Board was concerned with a jurisdictional dispute between the Tobacco Workers’ International Union and the International Association of Machinists involving their opposing claims to jurisdiction over the machine fixers in tobacco plants. In that decision the Board discussed at length the nature of jurisdictional disputes. We concluded that this Board should not intervene in a dispute of that type if an existing labor organization possessed the authority to render a decision in the matter, since under such circumstances the dispute related solely to the internal affairs of that organization. We said:

“Both of the labor organizations involved in the instant cases are affiliated with the American Federation of Labor and possess charters from that body. In view of the structure of that body, the instant controversy is simply a dispute involving the internal affairs of a labor organization, here the American Federation of Labor. That dispute resembles the hundreds of other jurisdictional questions handled by the Federation and it is clearly of a type which it has power to decide. There thus exists a body to which these two organizations belong and which has the authority to render a binding decision on the dispute between them. Under such circumstances, the Board is of the opinion that it should not intervene in the dispute for the reasons stated in the *Aluminum Company* case.

“It is perhaps unnecessary to point out that the internal dispute presented in these cases is merely one of many now existing within the American Federation of Labor and other organizations of labor. Some of these disputes, obviously difficult of solution, are far-reaching and fundamental to the labor movement; others are small by comparison. But in either case, it is preferable that in the light of the declared policy of Con-

gress—"the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing"—the Board should leave organizations of labor free to work out their own solutions through the procedure they themselves have established for that purpose."

The Brown and Williamson decision followed the ruling in *In the Matter of Aluminum Company of America*, decided April 10, 1936. In the latter case the Board held that it would not intervene in a dispute involving the question of whether the local officers or the officials of the American Federation of Labor should represent a Federal labor union in its dealings with the employer.

Since all of the protesting Unions and also the Oil Workers Union are affiliated with the American Federation of Labor, the decision of the Board in the *Brown and Williamson* case is here fully applicable. Consequently, we decline to intervene in their jurisdictional controversy. Since it is inadvisable for the Board to proceed with this case until such controversy is resolved, no formal investigation and hearing will be ordered under Section 9 (c) of the Act. The petition will therefore be dismissed without prejudice to its renewal in accordance with this decision.