

were employed during the payroll period immediately preceding the date of the Decision and Direction of Election, employees who have worked 10 or more days during the year preceding the eligibility date for the election herein directed are eligible to vote.

[Text of Direction of Election omitted from publication.]

Trade Winds Drilling Company and Millwrights and Machinery Erectors, Local Union No. 2834, AFL-CIO, Petitioner. Case No. 27-RC-2279. November 15, 1962

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before F. T. Frisbey, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Leedom, Fanning, and Brown].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.
2. The labor organization involved claims to represent certain employees of the Employer.
3. The facts in the record before us are substantially the same as the facts before us in the recently decided case of *Sprecher Drilling Corporation*.² The record here, as in *Sprecher*, indicates that the Employer is engaged in the business of exploratory oil drilling in approximately the same geographical area of Western States. It employs a small nucleus of regular employees, who travel with the rigs from one

¹ The hearing officer referred to the Board the Employer's motion to dismiss the petition on the following grounds: (1) The petition does not comply with the Board's Rules and Regulations because it is not sworn before a notary public or other authorized person and does not contain a declaration by the person signing it under the penalties of the criminal code that its contents are true and correct to the best of his belief, (2) the Petitioner has not demonstrated a 30-percent showing of interest; and (3) there is not sufficient continuity and stability of employment to justify the finding of an appropriate unit. As to (1), the record shows that the petition did contain the necessary declaration that the contents were true and correct to the best of the knowledge and belief of the person signing it and that said petition was signed. As to (2) the sufficiency of the Petitioner's showing of interest is an administrative matter not subject to litigation: *O. D. Jennings & Company*, 68 NLRB 516. We are administratively satisfied that Petitioner's showing of interest is adequate. Finally, as to (3), we are finding for reasons hereinafter set forth, an appropriate unit. In view of the foregoing we find the Employer's contentions to be without merit. Accordingly, its motion to dismiss the petition is herewith denied.

² 139 NLRB 1009

drilling project to another, and hires additional employees at each project site. The Employer will where acceptable rehire those who have worked for it previously. While the average length of employment among the locally hired workers varies according to the duration of the drilling operation, and other factors, it is established that approximately 60 percent of those hired work 10 or more days a year. All of the Employer's multistate operations are centrally controlled. In view of the foregoing and for the reasons set forth in *Sprecher Drilling Corporation*, we find that the Employer's operations have an element of stability to them sufficient to enable the Board to define a unit appropriate for collective bargaining purposes. We find, therefore, that a question affecting commerce exists concerning the representation of certain employees of the Employer within Section 9(c) (1) and Section 2(6) and (7) of the Act.

4. In view of the foregoing facts and for reasons set forth in *Sprecher Drilling Corporation*, we find that the following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: All motor men, derrick men, and floor men employed by the Company in drilling operations, excluding all office clericals, professional employees, guards, drillers,³ and all other supervisors as defined in the Act.

[Text of Direction of Election omitted from publication.]

³ The record shows that drillers who are employed in such job classifications exercise authority to hire and discharge and responsibly to direct the work of other employees. Accordingly we find that they are supervisors within the meaning of Section 2(11) of the Act and exclude them from the unit herein found appropriate.

Fitzpatrick Drilling Company, Inc.¹ and Millwrights and Machinery Erectors, Local No. 2834, AFL-CIO, Petitioner. *Case No. 27-RC-2280. November 15, 1962*

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before F. T. Frisbey, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Leedom, Fanning, and Brown].

¹ The name of the Employer appears as corrected at the hearing.