

In the Matter of UNION PRODUCING COMPANY AND ASSOCIATED COMPANIES: UNITED GAS PIPE LINE COMPANY AND HOUSTON GULF GAS COMPANY *and* OIL WORKERS INTERNATIONAL UNION (CIO)

In the Matter of UNITED GAS PIPE LINE COMPANY *and* OIL WORKERS INTERNATIONAL UNION (CIO)

Cases Nos. 16-R-723 and 16-R-731 respectively

SUPPLEMENTAL DECISION
CERTIFICATION OF REPRESENTATIVES
ORDER
AND
DIRECTION

February 22, 1944

On December 13, 1943, the National Labor Relations Board issued a Decision and Direction of Elections in these proceedings.¹ Pursuant to the Direction of Elections, separate elections by secret ballot were conducted on January 18, 1944, under the direction and supervision of the Regional Director for the Sixteenth Region (Fort Worth, Texas). On January 18, 1944, the Regional Director issued and duly served on the parties a Tally of Ballots for each election. No objections to the conduct of the elections or to either Tally of Ballots were filed by any of the parties within the usual 5-day period.

As to the balloting and its results, the Regional Director reported as follows:

As to the Beeville District, Case No. 16-R-723:

Approximate number of eligible voters.....	110
Valid votes counted.....	91
Votes cast for Oil Workers International Union (CIO)....	74
Votes cast against participating union.....	17
Challenged ballots.....	0
Void ballots.....	0

¹ 53 N. L. R. B. 1287.

54 N. L. R. B., No. 248.

As to the San Antonio District, Case No. 16-R-731 :

Approximate number of eligible voters.....	127
Valid votes counted.....	88
Votes cast for Oil Workers International Union (CIO).....	44
Votes cast against participating union.....	44
Challenged ballots.....	0
Void ballots.....	2

On February 3, 1943, Oil Workers International Union (CIO), herein called the Union, filed a motion requesting the Board to issue a Supplemental Decision and Supplemental Direction of Election in Case No. 16-R-731, concerning employees in the San Antonio District. In support of its motion for a new election, the Union alleged that on December 27, 1943, the parties entered into a stipulation whereby the balloting should be conducted by mail among employees of the San Antonio District whose names appeared upon the eligible list taken from the Company's pay roll; that no ballot was mailed to L. T. Cullinane, an eligible employee, because his name was inadvertently omitted by the Company from the pay roll determining eligibility; and that approximately 14 eligible employees who had been transported from their homes to make emergency repairs as a result of a break in the Company's pipe line, did not receive their ballots due to this absence, and had no opportunity to participate in the election.

Since the election held among employees of the San Antonio District was indeterminative and since the allegations of the Union, if true, would constitute a substantial and material objection to the conduct of the election and to the representative character of the election, we shall sever Case No. 16-R-731 from Case No. 16-R-723, with which it was consolidated, and we shall remand Case No. 16-R-731 to the Regional Director with instructions to investigate the allegations of the Union noted above and any other matters relevant to the conduct of the election and report his findings and recommendations thereon.

Since it appears that a majority of employees in the unit heretofore found to be appropriate for employees in the Beeville District has selected the Union as their bargaining representative, we shall forthwith certify the Union as the exclusive bargaining representative of all such employees for the purposes of collective bargaining.

CERTIFICATION OF REPRESENTATIVES

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.

IT IS HEREBY CERTIFIED that Oil Workers International Union (CIO) has been designated and selected by a majority of all regular produc-

tion and maintenance employees of Union Producing Company, United Gas Pipe Line Company, and Houston Gulf Gas Company, Shreveport, Louisiana, who work under the supervision and management of the Beeville district manager, including meter inspectors, but excluding office and clerical employees, technical, professional, administrative, and janitorial employees, supervisors, foremen, subforemen, and all other employees who have authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action, as their representative for the purposes of collective bargaining and that, pursuant to Section 9 (a) of the Act, Oil Workers International Union (CIO) is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

ORDER AND DIRECTION

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 II, Section 36, and Article III, Section 9, of National Labor Relations Rules and Regulations, Series 3,

IT IS HEREBY ORDERED that Case No. 16-R-723 be, and it hereby is, severed from Case No. 16-R-731; and it is further

DIRECTED that, as part of the investigation in Case No. 16-R-731 to ascertain representatives for the purposes of collective bargaining with United Gas Pipe Line Company, Shreveport, Louisiana, the Regional Director for the Sixteenth Region shall, pursuant to the Rules and regulations of the Board set forth above, and subject to Article III, Section 10, of said Rules and Regulations, investigate the objections to the conduct of the election alleged by Oil Workers International Union (CIO) in its motion for a Supplemental Decision and Supplemental Election and any other matters relevant to the conduct of the election, and thereafter prepare and cause to be served upon the parties in this proceeding a report on such objections, embodying therein his findings and his recommendations as to the balloting and its results.