

In the Matter of TEXAS GULF PRODUCING COMPANY and OIL WORKERS
INTERNATIONAL UNION, CIO

Case No. 16-R-810.—Decided March 24, 1944

Taliaferro, Graves, Hutcheson & Fahey, by Messrs. L. W. Graves, Jr., and T. S. Taliaferro, of Houston, Tex., for the Company.

Mr. L. H. Kunkel, of Goose Creek, Tex., for the Union.

Mrs. Catherine W. Goldman, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Oil Workers International Union, affiliated with the Congress of Industrial Organizations, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Texas Gulf Producing Company, Houston, Texas, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before H. Carnie Russell, Trial Examiner. Said hearing was held at Houston, Texas, on February 11, 1944. 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

Texas Gulf Producing Company, a Delaware corporation with its principal office in Houston, Texas, is engaged in the production of oil and gas at Barbers Hill, Chambers County, Texas, the only operation of the Company involved in this proceeding. At Barbers Hill

55 N L. R. B., No. 135.

the Company produces approximately 500 barrels of oil daily, all of which is sold to the Atlantic Pipe Line Company.

The Company admits that it 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.¹

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 parties are generally agreed that the appropriate unit should embrace all production, maintenance, and drilling employees of the Company's production department at Barbers Hill, exclusive of superintendents, tool pushers, and clerical employees. They are in disagreement, however, concerning the inclusion of a porter and a geologist.

The Union desires to include and the Company to exclude the porter from the unit. This employee is paid on an hourly basis and performs janitorial duties, washes cars, and repairs tires. Since it appears that his duties are those of a maintenance employee, we shall include the porter in the appropriate unit.

The geologist, whom the Union would exclude and the Company would include, performs technical work in connection with the directional drilling of wells, and incident thereto engages in the paleontological examination of samples, the classification of cores, and the determination of the weight of mud to be used in wells. He is paid on a monthly basis, and has annual vacation privileges. We are of the opinion that the professional and technical duties and interests of this employee are sufficiently different to warrant his exclusion from

¹ The Field Examiner reported that the Union submitted 40 membership cards; that there were 70 employees in the appropriate unit; and that the cards were dated February and July 1943.

a unit composed of the production and maintenance employees. We shall, therefore, exclude the geologist from the unit hereinafter found appropriate.

We find that all production, maintenance, and drilling employees of the Company's production department at Barbers Hill, including the porter, but excluding the geologist, clerical employees, tool pushers, superintendents, 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.

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, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Texas Gulf Producing Company, Houston, Texas, 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 Sixteenth 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 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, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.