

In the Matter of TIDEWATER ASSOCIATED OIL COMPANY *and* AMERICAN  
RADIO TELEGRAPHISTS' ASSOCIATION

In the Matter of GENERAL PETROLEUM CORPORATION OF CALIFORNIA *and*  
AMERICAN RADIO TELEGRAPHISTS' ASSOCIATION

In the Matter of HILLCONE STEAMSHIP COMPANY, LTD. *and* AMERICAN  
RADIO TELEGRAPHISTS' ASSOCIATION

In the Matter of UNION OIL COMPANY OF CALIFORNIA *and* AMERICAN  
RADIO TELEGRAPHISTS' ASSOCIATION

*Cases Nos. R-515 to R-518, inclusive.—Decided March 14, 1938*

*Water Transportation Industry—Investigation of Representatives: controversy concerning representation of employees; refusal by employers to recognize union as exclusive representative of employees prior to certification by Board—Unit Appropriate for Collective Bargaining: radio operators; history of collective bargaining relations in industry; community of interest; no controversy as to—Election Ordered*

*Mr. John P. Jennings, for the Board.*

*McCutcheon, Olney, Mannon & Greene, by Mr. Farnham P. Griffiths and Mr. George E. Dane, of San Francisco, Calif., for the General Petroleum Corporation of California, Hillcone Steamship Company, Ltd., and Union Oil Company of California.*

*Mr. Daniel W. Hone, of San Francisco, Calif., for the Tidewater Associated Oil Company.*

*Mr. Charles Krolek, of San Francisco, Calif., for the Union.*

*Mr. Walter T. Nolte, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

On December 13, 1937, American Radio Telegraphists' Association, Marine Division,<sup>1</sup> herein called the Union, filed with the Re-

<sup>1</sup>The captions refer to the Union as the American Radio Telegraphists' Association because the Board's order directing an investigation and hearing erroneously referred to it in that way. The petitions were signed in the name of American Radio Telegraphists' Association, Local No. 3, but a motion to change the designation of the petitioner to American Radio Telegraphists' Association, Marine Division, was granted by the Trial Examiner in the course of the hearing. Local No. 3 is confined to the port of San Francisco. There are three other locals in the Marine Division on the Pacific Coast with members involved in this proceeding. They are Locals 6, 7, and 8 located at Seattle, San Pedro, and Portland, respectively.

gional Director for the Twentieth Region (San Francisco, California) four petitions alleging that questions affecting commerce had arisen concerning the representation of employees of Tidewater Associated Oil Company, General Petroleum Corporation of California, Hillcone Steamship Company, Ltd., and Union Oil Company of California, respectively, herein called the Companies, and requesting investigations and certifications of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On December 16, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act and Article III, Sections 3 and 10 (c) (2), of National Labor Relations Board Rules and Regulations—Series 1, as amended, ordered an investigation, authorized the Regional Director to conduct it and to provide for an appropriate hearing upon due notice, and ordered a consolidation of the four cases for the purpose of hearing.

On December 16, 1937, the Regional Director issued a notice of consolidated hearing, copies of which were duly served upon each of the four Companies and upon the Union. Pursuant to the notice, a hearing was held on December 22, 1937, at San Francisco, California, before Jesse E. Jacobson, the Trial Examiner duly designated by the Board. The Board and each of the Companies were represented by counsel and the Union was represented by the acting secretary of Local No. 3. All participated in the hearing. Full opportunity to be heard, to examine and to cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. During the course of the hearing the Trial Examiner made several rulings on motions and on objections to the admission of evidence. The Board has reviewed the rulings of the Trial Examiner and finds that no prejudicial errors were committed. The rulings are hereby affirmed.

Upon the entire record in the case, the Board makes the following:

#### FINDINGS OF FACT

##### I. THE BUSINESS OF THE COMPANIES

Tidewater Associated Oil Company is a Delaware corporation, General Petroleum Corporation of California, a Nevada corporation, Hillcone Steamship Company, Ltd., a Nevada corporation, and Union Oil Company of California, a California corporation. All of the Companies are engaged in the transportation of petroleum products by means of ocean-going tankers, operating out of Pacific Coast ports.

Each of the four Companies involved in this proceeding was also involved in a hearing held on December 9 and 10, 1937, on five petitions filed by the Sailors Union of the Pacific. On March 9, 1938.

the Board issued a Decision and Direction of Elections<sup>2</sup> in the latter proceeding, in which it made findings of fact with respect to the business of the four Companies. The same evidence relative to the operations of the Companies was introduced in each proceeding. The findings of fact with respect to the business of the four Companies here involved, made by the Board in the afore-mentioned Decision and Direction of Elections, are, therefore, incorporated in and made a part of this Decision and Direction of Elections.

## II. THE ORGANIZATION INVOLVED

American Radio Telegraphists' Association, Marine Division, is a labor organization affiliated with the Committee for Industrial Organization, admitting to its active membership persons holding commercial radio operators licenses of any class or grade issued by the United States of America licensing authority and who earn their livelihood as radio operators on board deepwater vessels.

## III. THE QUESTION CONCERNING REPRESENTATION

In each petition it was alleged that the Company involved had refused to bargain collectively until the Union was certified by the Board as a proper exclusive bargaining agency on the basis of a ballot vote. Beyond this the record contains nothing, either in support of or refutation of the statements in the petitions.

We find that questions have arisen concerning representation of employees of the Companies and that such questions tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

## IV. THE APPROPRIATE UNITS

In its petitions, the Union claimed that the appropriate bargaining units should be the radio operators on all tankers operated by each of the Companies, specifying the number of tankers in each instance. The record shows that the Union thereby intended to limit the petitions to all tankers operated by the Companies out of Pacific Coast ports and it was agreed by all parties that the petitions should be so limited.

The Union established that the units here claimed are similar to those in effect under contracts negotiated by it with other ship operators on the Pacific Coast, that such units have been traditionally claimed by it, and that the units are feasible because of the fact that radio operators have interests and problems distinct from all other classes of personnel aboard ships. No other labor organization en-

<sup>2</sup> See *Matter of T. Dewater Associated Oil Company et al. and Sailors Union of the Pacific*, 5 N. L. R. B. 893

tered an appearance in this proceeding. There is no indication that any other organization is competing with the Union for the employees in the units claimed to be appropriate. The Companies raised no objection to the separation of radio operators from all other classes of personnel on their tankers for the purposes of collective bargaining.

We find that the radio operators on all tankers operated by each of the Companies out of Pacific Coast ports constitute units appropriate for the purposes of collective bargaining and that said units will insure to employees of the Companies the full benefit of their right to self-organization and to collective bargaining and otherwise effectuate the policies of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

The Union claimed to represent four of the six radio operators which it alleged were employed by Tidewater Associated Oil Company, three of the four allegedly employed by General Petroleum Corporation of California, both of the two allegedly employed by Hillcone Steamship Company, Ltd., and eight of the ten allegedly employed by Union Oil Company of California. At the hearing, the Union offered no further evidence to substantiate the above claims, stating that it was requesting an election and not asking for certification without an election. We find that elections by secret ballot are necessary to determine the proper representatives for collective bargaining and thus resolve the questions concerning representation.

We will direct that these elections be held as soon as possible under the direction and supervision of the Regional Director for the Twentieth Region, who shall determine in her discretion the exact time and place and procedure for posting notices of election and for balloting on each tanker, provided, however, that each tanker will be posted with a notice of election, a sample ballot, a list of employees eligible to vote, and a notice of the time and place where balloting will be conducted, at some port of call on the Pacific Coast prior to the port where balloting is conducted, or, in the event that a tanker is to be posted and voted in the same port without an intervening trip, at least 48 hours before balloting is conducted.

Those eligible to vote will be the radio operators who are employed on the tankers when they are posted and who are still employed in such capacity at the time balloting takes place, provided, however, that if any such person be transferred from one tanker to another tanker of the same company during the time the election among the employees of that company is being held, he shall be entitled to vote but once.

Upon the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

## CONCLUSIONS OF LAW

1. Questions affecting commerce have arisen concerning the representation of employees of Tidewater Associated Oil Company, General Petroleum Corporation of California, Hillcone Steamship Company, Ltd., and Union Oil Company of California, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

2. The radio operators on all tankers operated by each of the Companies out of Pacific Coast ports constitute units appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

## 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, 49 Stat. 449, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended, it is hereby

DIRECTED that, as part of the investigation authorized by the Board to ascertain representatives for collective bargaining with Tidewater Associated Oil Company, General Petroleum Corporation of California, Hillcone Steamship Company, Ltd., and Union Oil Company of California, elections by secret ballot shall be conducted as soon as convenient, and beginning as promptly as practicable after the date of this Direction, in conformity with the rules set forth hereinabove for the conduct of the 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, Section 9, of said Rules and Regulations, among the radio operators on all tankers operated out of Pacific Coast ports by the Tidewater Associated Oil Company, General Petroleum Corporation of California, Hillcone Steamship Company, Ltd., and Union Oil Company of California, respectively, to determine whether or not they desire to be represented by American Radio Telegraphists' Association, Marine Division, for the purposes of collective bargaining.