

In the Matter of WAGGONER REFINING COMPANY, INC., and W. T. WAGGONER ESTATE *and* INTERNATIONAL ASSOCIATION OF OIL FIELD, GAS WELL AND REFINERY WORKERS OF AMERICA

In the Matter of WAGGONER REFINING COMPANY, INC., and W. T. WAGGONER ESTATE *and* WAGGONER EMPLOYEES FEDERATION

*Cases Nos. C-230, R-229, and R-228*

## SUPPLEMENTAL DECISION

AND

## ORDER

*August 4, 1938*

On April 21, 1938, the National Labor Relations Board, herein called the Board, issued its Decision, Direction of Election, and Order<sup>1</sup> in the above-entitled proceedings. On April 29, 1938, the Board issued an Amendment to Direction of Election.<sup>2</sup> On May 10, 1938, the Board issued a Second Amendment to Direction of Election.<sup>3</sup> The Direction of Election, as amended, provided that an election by secret ballot be conducted within a period to be determined thereafter by the Board, among all employees in the production, casinghead gasoline, water, pipe-line, and refinery departments of Waggoner Refining Company, Inc., and W. T. Waggoner Estate, who were employed during the pay-roll period next preceding the date of said Direction, excluding supervisory employees, to determine whether they desired to be represented by Electra Local No. 400, Oil Workers International Union, or by Employees Federation of the Waggoner Refining Company and W. T. Waggoner Estate, for the purposes of collective bargaining, or by neither.

On June 18, 1938, an election by secret ballot was conducted at Electra, Texas, under the direction and supervision of the Regional Director for the Sixteenth Region (Fort Worth, Texas). On June 21, 1938, the said Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued and, on June 22, 1938, duly served

<sup>1</sup> 6 N. L. R. B. 731

<sup>2</sup> 6 N. L. R. B. 763.

<sup>3</sup> 7 N. L. R. B. 78.

8 N. L. R. B., No. 92.

upon the parties an Intermediate Report upon the secret ballot. No objections or exceptions to the Intermediate Report have been filed by any of the parties.

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

Total number eligible to vote.....	110
Total number of ballots cast.....	100
Total number of blank ballots.....	0
Total number of void ballots.....	1
Total number of challenged ballots.....	6
Total number of ballots cast for Electra Local No. 400, Oil Workers International Union.....	45
Total number of ballots cast for Employees Federation of the Waggoner Refining Company and W. T. Waggoner Estate....	7
Total number of ballots cast for neither organization.....	41

The results of the election show that unless five of the six challenged ballots were votes in favor of the Oil Workers International Union, neither of the rival organizations has secured a majority of the votes cast. The Intermediate Report makes no ruling upon the challenges. However, the Intermediate Report sets forth that the challenges were made by representatives of the Oil Workers International Union. So long as the Oil Workers International Union continues the challenges we need not consider the possibility of the challenged ballots being counted in its favor. Moreover, the challenges were directed against four female stenographers and two male clerks employed in the company offices. In its Decision in this case the Board pointed out that both contending organizations had stipulated to exclude employees of the general-office department in Vernon, Texas, from the appropriate unit.

Thus although the election resulted in a majority of the employees indicating a desire for collective bargaining, neither union received a majority of the votes cast. The Board has indicated in previous proceedings that it will not continue its investigation without a request for a run-off election by the labor organization which has received the greater number of votes. On July 27, 1938, the Oil Workers International Union, in a letter addressed to the Regional Director, stated that it did not wish to take part in a run-off election. The petitions for investigation and certification of representatives of employees of Waggoner Refining Company, Inc., and W. T. Waggoner Estate will therefore be dismissed.

## ORDER

By virtue of Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY ORDERED that the petitions for investigation and certification of employees of Waggoner Refining Company, Inc., and W. T. Waggoner Estate, Vernon, Texas, filed by International Association of Oil Field, Gas Well and Refinery Workers of America, and by Waggoner Employees Federation, be, and they hereby are, dismissed.