

In the Matter of MONSANTO CHEMICAL COMPANY and CHEMICAL  
WORKERS UNION No. 22606 (AFL)

*Case No. 1-R-1626.—Decided December 11, 1943*

*Mr. Charles B. Rugg, of Boston, Mass., for the Company.*

*Mr. William F. Regan, of Peabody, Mass., for the Union.*

*Mr. David V. Easton, of counsel to the Board.*

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon a petition duly filed by Chemical Workers Union No. 22606, AFL, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Monsanto Chemical Company, Everett, Massachusetts, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Thomas H. Ramsey, Trial Examiner. Said hearing was held at Boston, Massachusetts, on November 12, 1943. The Company and the Union appeared, participated, and 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

Monsanto Chemical Company, a Delaware corporation with its main office located in St. Louis, Missouri, is engaged in the manufacture of various chemicals, chemical products, and pharmaceutical products. For this purpose it owns and operates 12 plants located in various States of the United States, and in addition, operates 3 plants which it does not own. We are concerned herein with the Company's plant

located in Everett, Massachusetts. The Company purchases raw materials valued at more than \$3,000,000 per year for use at its Everett, Massachusetts, plant, of which in excess of 50 percent originates from points outside the State of Massachusetts. The finished products of the Everett plant are valued at more than \$12,000,000 per year, of which more than 40 percent is shipped to points outside the State of Massachusetts. The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

Chemical Workers Union No. 22606 is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the bargaining representative of certain of its employees unless and until the Union receives certification by the Board.

A statement of the Regional Director, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>1</sup>

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 DETERMINATION OF REPRESENTATIVES

The Union seeks to represent a unit comprised of all employees of the Company engaged in its control laboratory, including professional employees and all hourly paid employees attached thereto, but excluding supervisory employees. The Company contends that the hourly paid employees should be excluded from the unit, and that the professional laboratory workers should be given an opportunity to express their desires with respect to whether or not they should be included within a unit of laboratory employees.

The Union has been previously certified as the bargaining representative of all hourly paid production and maintenance employees of the Company, excluding, *inter alia*, chemists and laboratory employees not paid at an hourly rate. Attached to the laboratory are two hourly paid employees who act in the capacity of janitor and bottle washer,

<sup>1</sup> The Regional Director reported that the Union submitted 10 application cards, all of which bore apparently genuine, original signatures, and contained the names of persons appearing upon the Company's pay roll for the week ending October 17, 1943 which contained a total of 19 names in the alleged appropriate unit.

respectively. It is apparent from their job classifications that these persons are not properly part of a technical unit, but are properly included within the industrial unit. Under these circumstances, we are of the opinion that the two hourly paid employees attached to the control laboratory were clearly meant to be included within the industrial unit previously certified, and we shall therefore exclude them from the voting units hereinafter designated.

The Company employs approximately five persons in its control laboratory who have received degrees in chemistry or related sciences. It contends that these employees should not be included in the same unit as the non-professional laboratory employees on the ground that a dissimilarity exists between them with respect to interests, type of work, qualifications, methods of payment, amount of supervision, and future prospects with the Company. The record indicates that while these employees may perform work similar to that performed by the non-professional employees, they are frequently called upon to do special analytical work of a complicated nature, and to handle new and non-routine analyses on their own initiative. In contrast to the professional employees, the non-professional employees are required to perform only routine analyses. The professional employees are paid on a monthly basis and receive a minimum of supervision; on occasions they also supervise the work of the non-professional laboratory workers. The non-professional employees are paid on a weekly basis, and require supervision and instruction from the outset. The professional employees are hired through the central office at St. Louis, Missouri, after interviews by several of the ranking research and production supervisors of the Company, whereas the non-professional laboratory employees are hired at the particular plant in which they are employed. Furthermore, the Company considers the professional laboratory employee to be in training for a future supervisory post either in research or production; the advancement of the non-professional laboratory worker is limited unless he undergoes additional training on his own initiative. In view of these circumstances, we are of the opinion that the professional laboratory employees are entitled to voice their desires in the matter of representation in a voting group separate from that of the non-professional employees.<sup>2</sup> Accordingly, we shall direct separate elections among the professional laboratory employees of the Company and the non-professional laboratory employees who were engaged during the payroll period immediately preceding the date of the Direction of Election, subject to the limitations and additions set forth therein, to determine whether or not they desire to be represented by the Union. If the employees in both groups select the Union as their bargaining

<sup>2</sup> Cf. *Matter of Shell Development Company*, 38 N. L. R. B. 192.

representative, they shall constitute a single unit; if, however, only one group selects the Union as its bargaining representative, it shall constitute the appropriate unit.

### 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, 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 Monsanto Chemical Company, Everett, Massachusetts, separate elections by secret ballot shall be conducted as soon 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 First 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 following groups of employees of the Company 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 the chief chemist and the assistant chief chemist and all other supervisory employees with authority to hire, promote, discipline, discharge, or otherwise effect changes in the status of employees, or effectively recommend such action, and excluding any who have since quit or been discharged for cause, and have not been re-hired or reinstated prior to the date of the election, to determine whether they desire to be represented by Chemical Workers Union No. 22606, affiliated with the American Federation of Labor, for the purposes of collective bargaining:

1. All professional monthly paid laboratory employees engaged in the control laboratory;
2. All non-professional weekly paid laboratory employees engaged in the control laboratory.

MR. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Elections.