

In the Matter of MONSANTO CHEMICAL COMPANY and INTERNATIONAL
UNION OF OPERATING ENGINEERS, LOCAL NO. 660, A. F. OF L.

Case No. 10-R-1068.—Decided April 22, 1944

Mr. Pride Tomlinson, of Columbia, Tenn., for the Company.

Mr. John M. Greene, of Chattanooga, Tenn., and *Mr. B. C. Kelley*,
of Columbia, Tenn., for the Union.

Mr. Armin Uhler, of counsel to the Board.

DECISION

AND

ORDER

STATEMENT OF THE CASE

Upon a petition duly filed by International Union of Operating Engineers, Local No. 660, A. F. of L., herein called the Union, alleging that a questing affecting commerce had arisen concerning the representation of employees of Monsanto Chemical Company, Columbia, Tennessee, here in called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Dan M. Byrd, Trial Examiner. Said hearing was held at Columbia, Tennessee, on February 10, 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.¹ The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed.² The Company and the Union submitted briefs which the Board has considered.

¹ In view of the Board's decision herein the motion of International Union of Mine, Mill & Smelter Workers to reopen the case is hereby denied.

² Subsequent to the hearing the Company filed a motion and affidavit with the Board for the purpose of correcting the record in this case in certain respects. The Board has granted the motion and it is ordered that the record herein be, and it hereby is, corrected in accordance with said motion and affidavit.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Monsanto Chemical Company is a Delaware corporation which maintains several plants throughout the United States. The plant with which this proceeding is exclusively concerned is located at Columbia, Tennessee, and serves the mining and processing of phosphate. During periods of normal production, finished products valued at more than \$500,000 annually are shipped by the Company to destinations outside the State of Tennessee.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Union of Operating Engineers, Local No. 660, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE ALLEGED APPROPRIATE UNIT

The Union alleged in its petition that all employees in the Company's maintenance department constitute an appropriate unit, specifying that the unit should include all carpenters, machinists, millwrights, mechanics, pipe fitters, welders, riggers, painters, blacksmiths, electricians, oilers and helpers, boiler firemen, filter plant operators and pump repairmen. The Company not only insists that the unit should be plant-wide, but it also denies the appropriateness of the unit proposed by the Union on the ground that it follows neither a craft nor a departmental pattern.

The record shows that the unit as defined in the petition embraces all employees in the Company's Maintenance and Electrical Department³ except those classified as "Labor," as well as certain employees, in the Service Department, i. e., oilers, boiler firemen, and filter plant operators (including pump repairmen).⁴ Thus, on the one hand the proposed unit does not cover all classifications in the Maintenance and Electrical Department, and on the other hand it includes certain operating employees who belong in the Service Department. Such a unit would constitute a heterogeneous group incapable of precise

³ Of the employees specified in the petition the following fall within this department: carpenters, machinists, millwrights, electricians, pipe fitters, welders, mechanics, riggers, painters, and blacksmiths and helpers. There were 66 employees in these classifications on February 10, 1944.

⁴ There were 11 employees in this group on February 10, 1944.

definition and without distinct departmental or craft characteristics.⁵ Moreover, the record indicates that the operations at the Company's Columbia plant are well integrated; that employment conditions are uniform throughout the several departments, and that the production department, which comprises the mining, sintering, and furnacing divisions, is coordinated with the maintenance and service departments under the direct supervision of the assistant plant manager.

Under all the circumstances we find that the unit proposed by the Union is inappropriate and we shall therefore dismiss the petition herein without prejudice.

IV. THE ALLEGED QUESTION CONCERNING REPRESENTATION

Since the bargaining unit sought to be established by the petition is not appropriate, as found in Section III, above, we find that no question has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) of the National Labor Relations Act.

ORDER

IT IS HEREBY ORDERED that the petition for investigation and certification of representatives of employees of Monsanto Chemical Company, Columbia, Tennessee, filed herein by International Union of Operating Engineers, Local No. 660, A. F. of L., be, and it hereby is, dismissed.

CHAIRMAN MILLIS took no part in the consideration of the above Decision and Order.

⁵ Cf. *Matter of Bohn Aluminum & Brass Corporation, et al.*, 52 N. L. R. B. 1305.