

In the Matter of MONSANTO CHEMICAL COMPANY and UNITED GAS,
COKE AND CHEMICAL WORKERS OF AMERICA, C. I. O.

Case No. 7-R-1739.—Decided June 15, 1944

Messrs. Edward A. O'Neal, Jr. and J. A. Wilson, of Trenton, Mich., for the Company.

Mr. Thomas Barrett, of Ferndale, Mich., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Gas, Coke and Chemical Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Monsanto Chemical Company, Trenton, Michigan, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Max Rotenberg, Trial Examiner. Said hearing was held at Detroit, Michigan, on May 19, 1944. The Company and the Union appeared at and participated in the hearing.¹ 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 opportunity to file briefs with the Board.

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

FINDINGS OF FACT

1. THE BUSINESS OF THE COMPANY

Monsanto Chemical Company is a Delaware corporation with its principal place of business at St. Louis, Missouri. We are concerned

¹ Although District 50, United Mine Workers of America, was served with notice of hearing, it did not appear.

with its plant at Trenton, Michigan, where it is engaged in the production of phosphoric acid and sodium phosphates. The Company purchases raw materials valued at about \$2,800,000 annually for use at its Trenton plant, 25 percent of which is shipped to it from points outside the State of Michigan. The Company manufactures annually about \$6,500,000 worth of products at its Trenton plant, approximately 80 percent of which is shipped to points outside the State of Michigan.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Gas, Coke and Chemical Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of the plant protection employees at its Trenton plant until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.²

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 National Labor Relations Act.

IV. THE APPROPRIATE UNIT

The Union urges that all plant protection employees at the Trenton plant of the Company, excluding clerical and supervisory employees, constitute an appropriate unit. The Company states that it doubts the propriety of setting up a unit of plant protection employees as they are sworn United States Auxiliary military police and allegedly perform duties of a confidential and supervisory nature.

We have considered similar contentions in other cases and have found them to be without merit.³ Nothing which appears in the present case persuades us to hold otherwise.

² The Field Examiner reported that the Union presented 5 membership application cards bearing apparently genuine signatures of persons whose names appear on the Company's pay roll of April 12, 1944. There are approximately 5 employees in the appropriate unit.

³ *Matter of Dravo Corporation*, 52 N. L. R. B. 322; *Matter of Curtis-Wright Corp.*, 45 N. L. R. B. 1268; *Matter of Arvey Corporation*, 50 N. L. R. B. 999.

We find that all plant protection employees at the Trenton plant of the Company, excluding clerical employees and all 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 means of 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 Monsanto Chemical Company, Trenton, Michigan, 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 Seventh 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 any who have since quit or been discharged for cause, and have not been rehired or reinstated prior to the date of this election, to determine whether or not they desire to be represented by United Gas, Coke and Chemical Workers of America, affiliated with the Congress of Industrial Organizations, for the purposes of collective bargaining.