

IN THE MATTER OF SHELL DEVELOPMENT COMPANY, INC., EMPLOYER
and ASSOCIATION OF INDUSTRIAL SCIENTISTS, PETITIONER

Case No. 20-R-1031.—Decided February 3, 1947

McCutchen, Thomas, Matthew, Griffiths & Greene, by *Messrs. F. F. Thomas, Jr., Morris M. Doyle*, and *H. H. Fulkerson*, all of San Francisco, Calif., for the Employer.

Messrs. J. Emmet Chapman, and *Frederick C. Dewar*, of San Francisco, Calif., for the Petitioner.

Gladstein, Andersen, Resner, Sawyer & Edises, by *Mr. Norman Leonard*, of Oakland, Calif., for the Intervenor.

Mr. Gerald P. Leicht, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, hearing in this case was held at San Francisco, California, on October 7, 8, 9, and 10, 1946, before Robert E. Tillman, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER¹

Shell Development Company, Inc., a Delaware corporation, is engaged in research at its Emeryville Laboratories, Emeryville, California, on new or improved methods of producing oil, petroleum products, and chemicals. During 1945, the Employer purchased materials and equipment for use at its Emeryville Laboratories having a value of approximately \$920,000, of which more than 26 percent was shipped to it from points outside the State of California. During the same period the Employer produced at its Emeryville Laboratories and sold materials and products having a value of approximately \$125,000, of which more than 80 percent was shipped to points

¹ The name of the Employer appears in the caption as amended at the hearing.

outside the State of California. All sales of the materials so produced by the Employer were made not for the account of the Employer, but for the account of either Shell Chemical Corporation or Shell Union Oil Company, Incorporated, corporations related to the Employer.

The Employer admits and we find that it is engaged in commerce within the meaning of the National Labor Relations Act.²

II. THE ORGANIZATIONS INVOLVED

The Petitioner³ is a labor organization, claiming to represent employees of the Employer.⁴

Federation of Architects, Engineers, Chemists & Technicians United Office & Professional Workers of America, herein called the Intervenor, is a labor organization affiliated with the Congress of Industrial Organizations, claiming to represent employees of the Employer.

III. THE QUESTION CONCERNING REPRESENTATION

The Employer refuses to recognize the Petitioner as the exclusive bargaining representative of employees of the Employer until the Petitioner has been certified by the Board in an appropriate unit.

We find that a question affecting commerce has arisen concerning the representation of employees of the Employer, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

A. The position of the parties

The Petitioner seeks a unit of all professional employees employed by the Employer in all departments of its Emeryville Laboratories, including chemists, junior chemists, physicists, junior physicists, en-

² Jurisdiction over the Employer was also asserted by the Board in earlier proceedings, *Matter of Shell Development Company, Inc.*, 38 N. L. R. B. 192 and 47 N. L. R. B. 507.

³ The name of the Petitioner appears in the caption as amended at the hearing.

⁴ The Intervenor in its brief contended that the petition should be dismissed because it was not established that the Petitioner is a labor organization within the meaning of the Act. The evidence, including the Petitioner's constitution and bylaws, establishes, however, that the Petitioner exists at present for the purpose of engaging in collective bargaining on behalf of employees of the Employer regarding their hours, wages and other conditions of employment. Contrary to the Intervenor's contention, we are not persuaded that the Petitioner intends to subvert the principles of collective bargaining if it is certified by the Board. Accordingly, we find that the Petitioner is a labor organization within the meaning of Section 2 (5) of the Act. See *Matter of Federal Shipbuilding and Drydock Company*, 65 N. L. R. B. 410, and cases cited therein, *Matter of Industrial Collieries Corporation*, 65 N. L. R. B. 683; and *Matter of Air Reduction Sales Company*, 58 N. L. R. B. 522.

gineers, and junior engineers.⁵ In addition, it would include in such a unit the chief draftsman and design draftsmen in the Engineering Department,⁶ the head-technical files and technical clerk in the Technical Files Department, the librarian and assistant librarians in the Library, and the head-photographic department. It would exclude from the unit, however, the manager, the associate directors, department heads, assistant department heads, the chief engineer and the assistant chief engineer, and all other supervisory employees.

The Employer and the Intervenor are in general agreement as to the appropriateness of a unit of professional employees.

The Employer, however, differs with the Petitioner's position insofar as the Petitioner would include in the unit the head-technical files, librarian, the head-photographic department and the chief draftsman, taking the view that these are supervisory employees who should be excluded from any unit of non-supervisory employees. As to the design draftsmen, whom the Petitioner would also include, the Employer makes no objection, but points to the fact that the inclusion of these employees in a unit of professional employees would remove them from the bargaining unit in which they are presently included.

The Intervenor objects to the inclusion in the unit of any of the employees in five departments—Analytical Standardization, Coordination, Market Development, Technical Files and Library—contending that the employees in the first three of these departments are more closely connected with management in function, community of interests and contacts than with the professional employees in the Laboratories, and as to the employees in the remaining two departments, that their work is wholly of a non-professional character in that they engage in no research. In addition, the Intervenor, for reasons herein-after stated, opposes the inclusion of design draftsmen in the Engineering Department and an individual employee, M. A. D. Taylor, classified as a chemist in the Process Development Department. Like the Employer, the Intervenor would also exclude the head-technical files,

⁵ According to the Employer the following departments include professional employees

Analytical	Motor Laboratory
Analytical Standardization	Organic and Applications
Asphalt	Organic Synthesis
Catalytic Refining	Physical Chemistry
Coating Materials	Physics
Colloid Chemistry	Process Development
Coordination	Reaction Kinetics
Corrosion	Spectroscopic
Experimental Plants	Engineering
Instrument and Glassblowing	Technical Files
Lubricating Oil and Gasoline	Library
Market Development	

⁶ The chief draftsman and design draftsmen are presently included in a unit of non-professional employees represented by the Intervenor. The Petitioner is hereby seeking to remove them from this unit.

librarian and head-photographic department, on the ground that they are supervisory employees.

B. The history of collective bargaining

In order to dispose of the issues in the instant case it is necessary to review the history of collective bargaining at the Employer's Emeryville Laboratories. In 1941, International Federation of Architects, Engineers, Chemists and Technicians, the predecessor of the Intervenor, hereinafter referred to as the International, petitioned for a unit of all employees of the Employer at the Emeryville Laboratories with the exception of those in certain specified departments (the names of which are not pertinent to the issues herein) and managerial employees. The Employer and a group of 10 employees who appeared as intervenors contended that the employees should be separated into units of professionals and non-professionals. On January 13, 1942, the Board issued a Decision and Direction of Elections,⁷ directing that separate elections be conducted among the following employees: (1) the non-professional employees who were included in a group designated as "Group A"; (2) the professional employees who were included in a group designated as "Group B." The Board made no final determination as to the appropriate unit, pending elections to be held in said groups, stating that if the International was selected by both groups they would together constitute an appropriate unit, and that if only one of the groups selected the International that group alone would constitute an appropriate unit. As noted in that Decision, the Employer's Emeryville Laboratories is primarily concerned with scientific research, and the operations are described therein in considerable detail. It was noted that the Employer employed in various departments both professional employees consisting of chemists, physicists, junior physicists, engineers and junior engineers, or their equivalents, and non-professional employees, such as laboratory assistants and helpers, technicians, engine operators and mechanics, experimental plant operators, glassblowers, handymen, roustabouts, warehousemen, glass washers and janitors. The Board's separation of the two groups rested mainly in the professional training of the one group and their being concerned with the theoretical aspects of research, whereas the other group did not have such professional training and was engaged primarily in manipulative and mechanical work. The record in the instant case indicates that the operations today, although considerably expanded, are substantially as previously found. Pursuant to the Direction, elections were con-

⁷ 38 N. L. R. B. 192.

ducted on February 11, 1942, the International receiving a majority vote in only Group A. On March 26, 1942, the International was certified as collective bargaining representative of these non-professional employees in a separate appropriate unit.⁸

In 1943, the International petitioned for a unit of professional employees. On February 13, 1943, the Board issued a Decision and Direction of Election, directing an election in the unit sought.⁹ Thereafter, the professional employees involved again voted not to be represented by the International.

Although no collective bargaining contract or written agreement of any kind was introduced into evidence in the instant case, the record indicates that some "relationship" was entered into between the Employer and the Intervenor, or the International, on May 25, 1943, covering the employees for whom it was the certified bargaining representative. Such "relationship" was apparently for a 1-year term, subject to automatic renewal from year to year thereafter in the absence of notice of termination given by either party. It appears that this "relationship" was last renewed automatically in 1946.

The Petitioner was organized in April 1943, requested recognition as collective bargaining representative for the professional employees of the Employer in May 1943, and filed the petition in the instant case on February 7, 1944.

C. The disputed employees

We turn now to a discussion of the disputed groups and categories of employees, treating first with departments and then with individuals.

Analytical Standardization Department.—This department is not over 4 or 5 years old. The Board, in its first Decision, included in Group B the classification of "chemist (standardization)." This classification no longer exists and the work of this employee, as then defined, is now performed in the Analytical Standardization Department. The function of this department is to select the best laboratory tests and analyses developed in the Employer's Emeryville Laboratories and other companies and prepare therefrom a series of standard analytical methods which are to be followed in the Employer's Emeryville Laboratories and laboratories of affiliated Shell companies.

In addition to the department head, three professional employees presently work in the department: two chemists and one junior chemist. All three have Bachelor's degrees in chemistry, which technical

⁸ 39 N. L. R. B. 1196.

⁹ 47 N. L. R. B. 507.

education, or its equivalent, is a prerequisite to their employment. They read and analyze laboratory reports and aid in the development of apparatus for use in research. The chemists and junior chemist do substantially the same work, the latter having somewhat less experience and general knowledge. While they engage in no actual laboratory work, their work requires considerable actual contact with other departments, notably the Analytical Department at Emeryville, and similar departments at other Shell companies. All three were transferred from the Analytical Department and are qualified for transfer to professional work in other departments. Their manner and schedule of payment is the same as that of other professionals in the same classification.

We find that the work of these employees is essentially of a professional nature and that they are not so identified with management as to warrant their exclusion from the unit herein found appropriate. We shall include them.

Coordination Department.—This department is about 3 years old and did not exist at the time of the first Board Decision. The Board also included in Group B three employees then classified as assistants to an assistant director who performed work substantially the same as that being performed in this department. The functions of the department are to maintain daily contact between the research being done at Emeryville and the Employer's Patent Department located in San Francisco; to edit technical correspondence emanating from Emeryville; to edit monthly research reports prepared by professionals employed in the Laboratories; and to suggest possibilities for correlation of research work.

In addition to the department head, four professional employees presently work in the department: three chemists and one junior chemist. All four have at least an Engineer's degree in chemistry, which is a prerequisite to the work they perform. While they engage in no actual laboratory work, their work requires considerable actual contact with other departments. All but one of these employees were transferred to the department from other departments in the Laboratories. The same observations as to the experience, knowledge, and manner of payment of the chemists and junior chemist in the Analytical Standardization Department apply with equal force to these employees.

We find, as in the case of the professional employees in the Analytical Standardization Department, that the chemists and junior chemist in this department should be included in the unit herein found appropriate.

Market Development Department.—This department also did not exist at the time of the first Board Decision. The Board included in Group B three additional employees then classified as assistants to an assistant director in charge of the then existing Market Research Department. They performed work essentially the same as that being performed in this department. The functions of the department are to find outlets for Shell products; to ascertain by consultation with technical employees of other companies the needs of such other companies for petroleum products and chemical materials; and to determine by consultation with technical employees in other departments of the Employer how these needs might best be met.

In addition to the department head, nine professional employees presently work in the department: eight chemists and one junior chemist. All have at least a Bachelor's degree in chemistry, which is a prerequisite to the work they perform. While they engage in no actual laboratory work, their work requires considerable actual contact with other professionals. A majority of them were transferred to the department from other departments in the Laboratories. Work requirements of all the chemists is essentially the same, although each works on a different subject. They receive inquiries for technical information, help solve technical problems, and draft correspondence in relation thereto. Although their work involves some travel, most of their time is spent at the Laboratories. The work of the junior chemist is substantially the same as that of the chemists, and he is occasionally called upon to substitute for a chemist. He also handles the general routine work. The same observations as to experience, knowledge and manner of payment of the chemists and junior chemist in the Analytical Standardization Department also apply with equal force to the chemists and junior chemist in this department.

We find, as in the case of the professional employees in the Analytical Standardization Department and Coordination Department, that the chemists and junior chemist in this department should be included in the unit herein found appropriate.

Technical Files Department.—This department was listed as one of the exclusions from Group A in the first Board Decision. It was not included in Group B at that time or in the professional unit established as a result of the International's subsequent petition. The professional work presently performed in this department is considerably more in volume now than it was at those times, the department having doubled in size. The classification of technical clerk has been added to meet the increased volume of technical material handled. The functions of the department are to collect and file technical information in type-

written form, to prepare abstracts and indices of scientific matter, and to circulate technical reports and correspondence.

In addition to the head-technical files, the department has but one alleged professional employee: the technical clerk. While much of the work performed in the department is done by clerical employees, some of the work requires the services of a professional scientist consisting, principally, of making indices of technical reports prepared in the laboratories by professionals. The technical clerk performs this work and has a Bachelor's degree in chemistry, which is a prerequisite to the work she performs. It is necessary that she consult and work with the authors of the technical reports. She was hired for her present position, but if the occasion arose she could be transferred to the position of junior chemist. Her rate of pay and other privileges are comparable to those of other professionals, her rate being appreciably higher than that of the clerks in the department. She has the privilege of attending technical meetings attended by other professional employees.

We shall include the technical clerk, because we are of the opinion that she has a strong community of interest with the other employees in the unit herein found appropriate.

Library.—This department was also listed as one of the exclusions from Group A in the first Board Decision and was not included in Group B at that time. Nor was it included in the professional unit established as a result of the International's subsequent petition. The Library has also increased considerably in size with the growth of the Laboratories and is closely integrated with and a part of the research being carried on there.

In addition to the librarian, three alleged professional employees are presently employed in the Library, who are classified as assistant librarians. All have Bachelor's degrees in chemistry, and this technical education, rather than library training, is a prerequisite to their work together with a knowledge of two foreign languages. No such language requirement is demanded of any other employees. All are members of professional, technical societies. The assistant librarians are principally engaged in making literature surveys in scientific fields for professionals and in translating articles written in foreign language to English. This work brings them into contact with professional laboratory employees. Although they were hired for their present positions, if the occasion arose they could be transferred to the position of junior chemist. Their rate of pay and other privileges are comparable to those of other professionals. Their rate of pay is appreciably higher than that of clerks in the Library and comparable to that of junior chemist.

We are of the opinion that these employees are professional employees. As in the case of the technical clerk, we shall include the assistant librarians in the unit herein found appropriate.

Design draftsmen.—There are seven design draftsmen presently employed in the Engineering Department, which is made up of both professional and non-professional employees. The International in the first Board case sought to exclude from the all-inclusive unit petitioned for, all employees in the Engineering Department, on the ground that a substantial number of them were subject to the jurisdiction of other unions. The Board, however, included employees in the Engineering Department, classified as engineer and junior engineer, in Group B. No other classifications in the Engineering Department were specifically named in either Group A or Group B. However, “non-professional” employees in the Engineering Department, including those in “the Drafting Room,” were placed in Group A. The term “design draftsman” does not appear in the prior Board decisions, above noted.

The Employer’s associate personnel director testified that in preparing the pay rolls for the first elections design draftsmen were inadvertently included on the Group A list. He also testified that at the time of the second election in 1943 the design draftsmen, then two or three in number, presented themselves at the polls and asked to vote in Group B. They were challenged by the International, but since such challenges were not determinative of the outcome, no ruling was made thereon. The Intervenor has bargained for the design draftsmen as part of Group A and they are covered by the “relationship” between the Employer and the Intervenor, above noted.

Two of the seven design draftsmen work in the same room as the engineers, and the other five occupy an adjoining room with others of the drafting staff, consisting of senior draftsmen, draftsmen, junior draftsmen and tracers. The design draftsmen make engineering calculations required for the designing of special laboratory and pilot plant equipment; design such equipment; and make complete drawings thereof. In this connection it is to be noted that appended to the “Terms and Conditions” entered into between the Employer and the Intervenor, the qualifications of design draftsmen, as contrasted with those of lower classifications in the drafting room, are “*professional engineer* with design experience; minimum of 1 year’s experience as senior draftsman at Emeryville, or its equivalent.” All but two of the seven design draftsmen have Engineer’s degrees, and of the two, one has the educational requirement thereof, having spent 3 years in a technical school in Switzerland which did not grant degrees, and the other has the equivalent in training and experience. In contrast,

none of the senior draftsmen, the classification immediately below the design draftsmen, have Engineering degrees, nor does their work require it. All the design draftsmen are eligible for membership in an engineering society. There have been some transfers of design draftsmen to engineering, the professional status of which is undisputed, and the present chief draftsman was promoted from the position of design draftsman. In their work, the design draftsmen have frequent contact with engineers, chemists, and other professional employees, and their work is an integral part of research.

Consequently, we find, on the basis of the entire record herein, that design draftsmen are professional employees having a strong community of interests with other employees in the professional unit and, accordingly, we shall include them.¹⁰

Chief draftsman.—The chief draftsman is in charge of the drafting staff and is responsible to the chief engineer and the assistant chief engineer who, in turn, are in charge of the Engineering Department. He has a degree in mechanical engineering. As previously indicated, he formerly worked as a design draftsman. He spends about 10 percent of his time performing design drafting work, and the balance of his time is spent overseeing the work of others in the drafting room, including the assignment, direction and expediting of work. Every 30 to 60 days he makes efficiency reports to the assistant chief engineer on the work of drafting room employees. He looks over the qualifications of new drafting room applicants and, together with the assistant chief engineer and a senior engineer, makes recommendations with respect to the hiring of new applicants. No applicant has been hired who was given an adverse recommendation by him, and only applicants whose qualifications he has approved have been hired. His opinion is requested in the matter of promotions, and none have been made which he disapproved.

We are of the opinion that the chief draftsman is a supervisor within the Board's customary definition of that term, and we shall, therefore, exclude him from the unit.

Head—Technical Files.—This employee is head of the Technical Files Department, and is in charge of 1 or 2 stenographers, 8 to 12 clerks, and the technical clerk. She has a degree in chemistry. She spends 30 percent or more of her time in supervisory functions, such as assigning and checking work and consulting with and reporting to her superiors. She interviews applicants for work in her department

¹⁰ *Matter of Peter Oailer Kohler Swiss Chocolates Company, Inc*, 66 N. L. R. B 257.

It is clear that the "relationship" and/or "Terms and Conditions" entered into by the Employer and the Intervenor is no bar with respect to design draftsmen, because the petition in the instant case was filed on February 7, 1944, requesting the inclusion of design draftsmen.

and makes recommendations to the office manager as to hiring, which are accepted by him. She has authority to discharge employees and to recommend yearly merit increases. Her rate of pay is appreciably higher than that of the technical clerk, the classification immediately below her. She is eligible to attend and always attends meetings of department heads, where personnel policies are discussed. We shall exclude the head-technical files as a supervisory employee.

Librarian.—This employee is head of the Library and is in charge of three or four clerks and stenographers in addition to the assistant librarians. She has at least a Bachelor's degree in chemistry and some of her work is similar to the professional work done by the assistant librarians. However, approximately 35 to 40 percent of her work is of a supervisory nature such as assigning, directing and checking work, and consulting with and making reports to her superiors. She has similar authority to the head-technical files with respect to interviewing applicants, recommending hiring and merit increases, and discharging employees. She also attends meetings of department heads. Her rate of pay is appreciably higher than that of the assistant librarians, the classification immediately below her. We shall exclude the librarian as a supervisory employee.

Head—Photographic Department.—Mr. Luck, head of the Photographic Department, is in charge of 12 to 15 employees. In the first Board Decision, Luck was excluded by agreement of the parties on the ground that he was in charge of his department. His status, duties and general functions are substantially the same at present. His time is divided about equally between photographic work, a considerable amount of which is research photography, and in supervising the work of the department. His supervisory functions are similar to those of the head-technical files and librarian. We shall exclude the head-photographic department as a supervisory employee.

M. A. D. Taylor.—The Intervenor would exclude this employee on the ground that he is in fact a part of management. Dr. Taylor has a Doctor's degree and is classified as a chemist in the Process Development Department. He has been employed by the Employer since 1932 and has worked in a number of departments. He is thus one of the Employer's oldest employees, there being only about 20 employees out of approximately 1,000 senior to him in service. He is what is unofficially known in the Laboratories as one of the project or section leaders, heading a small research team of employees. No contention is made, nor does the record indicate, that project leaders are supervisory employees.¹¹ Nor does it appear that he has any more authority over employees in the Laboratories than any other project leader. He

¹¹ Cf. *Matter of E. I. du Pont de Nemours & Co.*, 69 N. L. R. B. 509

does not have the authority to hire, discharge, promote, or transfer employees. He is not invited to attend and does not attend management meetings.

The Intervenor's request for exclusion of this employee from the unit is based primarily upon three grounds: (1) In 1938, Dr. Taylor, together with another employee in another department, was selected to act in conjunction with the Engineering Department and "heads of laboratories" as organizers of the movement of departments to the new building and readjustment of the departments in the old building. Dr. Taylor testified without contradiction that he and the other employees were selected on the basis of having some knowledge of the research program in the various departments and being able to assist in planning the movement so as to cause the least confusion. We attach no significance to this incident, which in any event occurred so long ago. (2) Dr. Taylor was a speaker in a series of orientation lectures sponsored by the Employer during the recent war. The Intervenor contends that since most of the other speakers were part of management the impression was created among new employees that he was also a part of management. There is no showing that Dr. Taylor was introduced as part of management and, furthermore, it appears that other non-supervisory employees gave lectures in the series. The record is undisputed that because Dr. Taylor suggested the giving of the lectures, he was permitted to participate extensively. We are not satisfied from the record that Dr. Taylor's participation in the lectures demonstrates that he is a managerial employee. (3) Dr. Taylor is chairman of the safety committee, which the Intervenor contends is managerial. Dr. Taylor, long a member of this committee, was made its chairman in 1944. The committee originated several years ago, and its function was to make safety recommendations to the manager of the Laboratories. Its membership consisted of supervisory and non-supervisory employees, but the proportion of the former has gradually decreased. The committee now has 18 members, only one of whom is a supervisory employee. In May 1945, a safety board was appointed by the manager, consisting of supervisory employees, to relieve the manager of the burden of additional work. The safety committee now makes recommendations with respect to safety measures to the safety board, which takes action thereon. We are not satisfied from the record that the safety committee is a managerial committee, or that Dr. Taylor's membership therein proves that he is a managerial employee.

On the basis of the entire record, we shall include Dr. Taylor in the unit herein found appropriate.

We find that all professional employees employed by the Employer in all departments of its Emeryville Laboratories, including chem-

ists,¹² junior chemists, physicists, junior physicists, engineers, and junior engineers, the design draftsmen in the Engineering Department, the technical clerk in the Technical Files Department, and the assistant librarians in the Library, but excluding the manager, associate directors, department heads, assistant department heads, the chief engineer, the assistant chief engineer, the chief draftsman, the head-technical files, the librarian, the head-photographic department, and all other 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.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with Shell Development Company, Inc., Emeryville, California, 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 Twentieth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Sections 203.55 and 203.56, of National Labor Relations Board Rules and Regulations—Series 4, 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 those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether they desire to be represented by Association of Industrial Scientists, or by Federation of Architects, Engineers, Chemists & Technicians, United Office & Professional Workers of America, C. I. O., for the purposes of collective bargaining, or by neither.

CHAIRMAN HERZOG took no part in the consideration of the above Decision and Direction of Election.

¹² Including M. A. D. Taylor.