UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

LANXESS CORPORATION

Employer

and

Case 19-RC-398327

LOCAL 747C OF THE INTERNATIONAL CHEMICAL WORKERS UNION COUNCIL OF THE UNITED FOOD & COMMERCIAL WORKERS UNION, AFL-CIO, CLC

Petitioner

DECISION AND ORDER

LANXESS Corporation (the Employer) manufactures specialty chemicals. Local 747C of the International Chemical Workers Union of the United Food & Commercial Workers Union (the Petitioner) filed the instant petition (the Petition) on November 2, 2026,[1] with Region 19 of the National Labor Relations Board (the Board) under Section 9(c) of the National Labor Relations Act (the Act). The Petitioner seeks to add employees to an existing bargaining unit consisting of all production employees, reliability technicians, instrumentation technicians, electricians, and storeroom clerk, and persons performing duties of the type covered by the Schedule of Wages and Job Classification, Exhibit A, of the parties' most recent collective-bargaining agreement,[2] in what is commonly referred to as an *Armour-Globe* election.[3]

The employees at issue in the Petition are seven Laboratory Technicians[4] working in the lab at the Employer's Kalama, Washington, facility, the only facility involved herein.

The parties agree that the Laboratory Technicians constitute a separate, identifiable, and distinct segment of the Employer's workforce for the purposes of an *Armour-Globe* election but do not agree on whether these employees share a sufficient community of interest with the existing unit. The Employer contends that the petitioned-for group is inappropriate because the petitioned-

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[1] All dates in 2026, unless otherwise specified.

[2] The positions listed in this exhibit to the collective-bargaining agreement are day lead operator; lead/relief operator; control operator; process operator 1, 2, and 3; shipping crew leader; shipping relief operator; shipping operator 1, 2, and 3; reliability technician; electricians; instrumentation technician; and storeroom clerk.

[3] *Armour & Co.*, 40 NLRB 1333 (1942); *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937).

[4] The Employer's organizational chart shows one Lab Technician, who is a contractor, and seven Lab Chemists. The parties agree that the phrase "Laboratory Technicians" is appropriate for the petitioned-for group and are presumably referring to those known as "Lab Chemists" on the organizational chart.

for group does not share a community of interest with the existing unit. The Petitioner maintains that a sufficient community of interest exists such that an *Armour-Globe* election is appropriate.

A Hearing Officer of the Board held a hearing via videoconference on November 10. The parties were provided with an opportunity to call, examine, and cross-examine witnesses; to introduce into the record evidence of the significant facts that support their contentions; and to file written briefs arguing their respective positions.

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the Board. As explained below, based on the record and relevant Board law, I find that the petitioned-for unit does not share a community of interest with the existing unit such that an *Armour-Globe* election is inappropriate. Because the Petitioner does not wish to proceed to an election in a standalone unit of Laboratory Technicians, I find that the Petition should be dismissed.

I. THE EMPLOYER'S OPERATION

The Employer is a food and fragrance manufacturer. It brings in raw materials that it uses to produce intermediate products for customers in the personal care and food industries. Kim Shurtleff is the Site Director for the Employer's Kalama facility. There are two Operations Managers who report to Site Director Shurtleff. Under the Operations Managers are three Product Superintendents who oversee 64 Production Operators, who are in the existing unit, and one Shipping Supervisor who is over 15 Shipping Operators who are in the existing unit.

There is also an Engineering Manager under Site Director Shurtleff. Under the Engineering Manager is a Reliability Engineer who is over one Reliability Technician who is in the existing unit. The Electricians, Instrument Technicians, and Storeroom Clerks, who are all in the existing unit, report to an I & E Supervisor who reports to the Maintenance Manager who reports to Site Director Shurtleff.

The Laboratory Technicians at issue in this case currently report directly to Quality Manager Cherise Hylton, who reports to Site Director Shurtleff. There is a vacant position of Quality Control Supervisor, a position which would directly oversee the Laboratory Technicians and report to Quality Manager Hylton.

The Laboratory Technicians consist of one Benzoate Analyst, four Shift Chemists, and two Relief Chemists. They work in a lab that is attached to the main building at the site. Others who work in the lab are the contractor lab technician, a quality assurance coordinator, and Quality Manager Hylton. If the Quality Control Supervisor position were filled, that person would also work in the lab. Others who work in the main building are Site Director Shurtleff; those working in the Health, Safety, and Environmental Department; Operations supervision and management; and the Process Engineers. No employee in the existing unit works in the main building. The bulk of the existing unit, the Production Operators, appear to work in the large plant site behind the three buildings, i.e., the main building, the east building, and the R&D Center.[5] Despite being

[5] It is unclear where the remaining employees of the existing unit work.

attached to the main building, the lab is segregated from the building due to the samples and hazards present in the lab. There are signs at the entrances identifying the various personal protective equipment (PPE) required before entering the lab. The Employer has plans to move the lab to the R&D Center. No R&D employees are in the existing unit.

The positions in the lab have various responsibilities, although they are all responsible for analyzing samples to ensure quality goals and health and safety requirements are met. Sometimes they analyze intermediate samples during the production process, and sometimes they analyze finished product samples. They also analyze raw materials before those are used in production. The Benzoate Analyst analyzes the two solid materials the Employer makes. Those tests are more manual and require less instrumentation. The Shift Chemists analyze the liquid products. The Relief Chemists have to know the other jobs in the lab because they fill in when the Benzoate Analyst or Shift Chemists are on leave. Additionally, the Relief Chemists are responsible for the day shift wastewater testing and performing second reviews, after the Shift Chemists, of all food and pharma-grade products.

No product leaves the Employer's Kalama facility without the lab sampling the results. Further, most raw materials used in production are sampled by the lab. Additionally, some in-process samples are tested by the lab. If there was no one in the lab on a shift, the Operators would not be able to run their equipment efficiently because they would not know if they were making a passing or failing product. The Laboratory Technicians enter the results of their tests into an Excel file on SharePoint, which is on a cloud server. Operators use this spreadsheet often to see results of tests.

The Employer's operation, including the lab, runs 24 hours a day, 7 days a week. The Benzoate Analyst works five eight-hour shifts a week. Her schedule is somewhat flexible, and she chooses to work from 4:00 a.m. to 12:30 p.m. Monday through Friday. The Relief Chemists, when they are not filling in for another position, also work five eight-hour shifts a week with a somewhat flexible schedule. One Relief Chemist starts around 7:00 a.m., and the other starts around 9:00 a.m. The Shift Chemists work 12-hour shifts, either from 7:00 a.m. to 7:00 p.m. or 7:00 p.m. to 7:00 a.m. They work two day shifts, two night shifts, have four days off, then repeat the cycle.

The Laboratory Technicians use lab instruments, gas chromatographs, and particle size analyzers. These are unique to the lab and different from machines used by Operators in the unit.

If a Laboratory Technician determines that a sample has failed its analysis, the Laboratory Technician will contact the shift supervisor in the Operations Department and report the failing result. The Laboratory Technician will do this whether it is day shift, night shift, a weekend, or a holiday. The Laboratory Technician can recommend a course of action, such as bringing in another sample to verify the result, but it is the shift supervisor's decision on how to proceed. If the Laboratory Technician cannot reach the shift supervisor, the Laboratory Technician will contact an Operator in the pertinent department. If there is an issue with a final product, the Relief Chemist will put the product under a nonconforming product hold. The notification of that hold will go to the Shipping Supervisor and various managers, including Quality Manager Hylton. The Relief Chemist and Quality Manager Hylton will discuss next steps, and Quality Manager Hylton will make the final decision on whether to hold the product or release it.

The Shift Chemist and Relief Chemist positions require a bachelor's degree in a relevant program such as chemistry or an associate's degree plus applicable work experience. The Benzoate Analyst position requires an associate's degree in some science. The Benzoate Analyst position is slightly less technical than the other positions in the lab, which is why the degree requirement is different. Currently, five of the seven Lab Technicians have bachelor's degrees; the other two have associate's degrees. Production Operators and Shipping Operators need a high school diploma or equivalent. Electricians must have served in an accredited journeymen level Electrical Apprenticeship Program and have a minimum of four years of experience.

A new Shift Chemist receives about three to five months of training, via shadowing, before being able to work alone on nights or weekends.

No other position within the facility can perform the work of the Laboratory Technicians because they are skilled positions with specialized training. The Laboratory Technicians cannot perform work outside of the lab because they are not trained to do so. Further, the Quality Control Department is required to be separate from manufacturing.[6] Quality Manager Hylton has worked at the site for over 30 years, including when the site was owned by a different employer, and has never seen anyone hired from elsewhere in the facility to work in the lab. There is no promotional track from elsewhere in the facility into the lab or from Laboratory Technician to elsewhere in the facility. If someone working at the facility were interested in a lab position, that person could not bid into the position through the Employer's internal bidding process but instead would have to apply like any other candidate. In 2016, the Employer had a reduction in force in the Research and Development Department. One person who was laid off, who had not been in the existing unit, applied for an open Shift Chemist job and received that position.

Quality Manager Hylton makes hiring decisions and manages job descriptions for the Laboratory Technicians. The Human Resources Department would have input into hiring decisions, and Site Director Shurtleff may be involved in the interview process depending on the position, but Quality Manager Hylton is the sole decisionmaker. Quality Manager Hylton also makes decisions regarding disciplining the Laboratory Technicians. Again, she may take input from the Human Resources Department or Site Director Shurtleff. Quality Manager Hylton makes the schedules and approves time off for the Laboratory Technicians.

The Laboratory Technicians receive samples for testing from Operators in the existing unit. It takes less than one minute to walk from the main production area to the lab.[7] The Operators either drop off the sample or wait for the tests to be run and for the results to be analyzed. The samples go on a tray inside the lab. The Operator will also note in a logbook that a sample has been left. When an Operator drops off a sample, the Operator usually tells a Laboratory Technician that a sample is waiting. Wastewater samples go onto a cart further into the lab. Operators put the samples on the cart. The Relief Chemist will get the samples, take them to test them, put the empty containers back on the cart, and put the cart back in place. The Operator will then pick up the

[6] Quality Manager Hylton testified to this fact but did not indicate from where that requirement comes.

[7] Once the lab moves to the R&D Center, the walk will take about the same time on average.

empty containers. Benzoate samples are dropped off outside the lab on a cart or in a large, wheeled bin. The exterior door to the lab near these samples is for Quality Control Department staff and is not meant for use by Operators. When an Operator drops off a benzoate sample outside the lab, the Operator will turn on a light switch that turns on a light in the lab to let the Laboratory Technicians know that a sample has been left.

The Shift Chemists interact with Production Operators throughout the course of a day while testing samples, letting Production Operators know the results of tests, or fielding requests from Operators for things like deionized water or pH buffer. The Shift Chemists also interact with the Shipping Operators when those Operators ask what tanks are ready to be shipped. At that point, the Shift Chemists sign off on the paperwork and let the Shipping Operators start shipping the tanks. The Benzoate Analyst only interacts with the shipping department directly. The Relief Chemists have more fluid interactions with Production Operators, such as when a Production Operator has a question. Interaction between Laboratory Technicians and Electricians is minimal. One example is that shortly before the hearing, an Electrician looked at a malfunctioning ventilation hood in the lab. The Relief Chemists interact with the Storeroom Clerks quite often via email, phone, or instant messaging. The Relief Chemists do a lot of ordering for supplies for the lab, and all of the materials are routed through the receiving department. The Relief Chemists are responsible for maintaining certificates of authenticity for incoming raw materials. The Storeroom Clerks collect the certificates of authenticity and leave them in a specified location in the receiving department for the Relief Chemists to pick up.

The Laboratory Technicians do trainings with the Operators. Traditionally, they have done annual HAZWOPER and safety training together. They have also done fire extinguisher training and evacuation training together.

Despite being salaried, Laboratory Technicians are non-exempt employes who are eligible for overtime hours and pay. Operators are also eligible for overtime hours and pay. The pay range for the Shift Chemist and Relief Chemist positions is $69,600 to $116,000 per year, which converts to $33.46 to $55.77 per hour. The pay range for the Benzoate Analyst position is $61,700 to $102,900 per year, which converts to $29.66 to $49.47 per hour. The employees in the existing unit make between $25.50 and $56.20 per hour. All employees are paid biweekly.

Laboratory Technicians are paid call-in pay if they are asked to work four hours or more with less than 24 hours' notice. A Laboratory Technician who is called in is paid four hours of his/her regular straight time rate and is paid overtime for the call-in hours worked. Employees in the existing unit are paid call-in pay if they are asked to work at any time prior to the start of their shift or on a day off. Like Laboratory Technicians, being called in results in being paid four hours at the employee's regular straight time rate. Laboratory Technicians who are ordered to stay past the end of their shifts for two hours or more with less than 24 hours' notice receive four hours of their regular straight time rate and are paid overtime for the holdover hours worked. An employee in the unit who is ordered to stay past the end of his/her shift receives four hours of straight time pay in addition to pay for all time worked, except when the employee's relief is less than 30 minutes late arriving.

Laboratory Technicians working the night shift receive a flat rate of $15.00 as a shift differential. Employees in the existing unit receive premium pay of $1.00 per hour worked from 2:30 p.m. to 6:30 a.m.

All employees at the Employer's Kalama facility have access to the same primary core benefits such as medical, dental, and 401(k). The Employer also has an APB bonus[8] for all employees. There are some smaller benefits that, because of the collective-bargaining agreement, are specifically offered to or not to the existing unit.

While any employee can park anywhere, those working in the lab typically park in the west lot if there are spaces available. If not, they park in the east lot near the east building. Production employees typically park in the east lot near the east building because the change room for production employees' PPE is in the east building. Employees can enter at any entrance and use a WorkForce digital time clock to badge in and out of work.

Everyone in the lab is required to wear steel-toed shoes and safety glasses. This includes Operators when they bring samples into the lab. The Laboratory Technicians also wear lab coats. When the Laboratory Technicians go into the plant, they generally wear the same standard-issue overalls used by the Production Operators.

The Laboratory Technicians do not have a set attendance policy, unlike the negotiated attendance policy in the collective-bargaining agreement that covers employees in the existing unit.

Employees in the unit are not given performance evaluations. The Laboratory Technicians, however, do receive performance evaluations drafted by the Quality Control Supervisor, when that position is filled, in conjunction with Quality Manager Hylton. Those evaluations are used to determine merit-based increases for the Laboratory Technicians and other employees not in the existing unit.[9] Each department is provided with a merit budget based on how the Employer does each year. Each manager will evaluate their employees and determine the merit percentage to each employee.

About once per month, a Relief Chemist will go into the plant to obtain air samples for testing. The Relief Chemist does this without assistance from any Operators. Also, about once per month, a Relief Chemist goes into plant to check the lab hood in one of the control rooms. About once per year, a Relief Chemist will go into the plant to calibrate equipment unless it stops working prior to that. Other than these tests and walking over to a storage area near the R&D Center, there is no reason for a Laboratory Technician to leave the lab for work purposes. The Laboratory Technicians use a breakroom and restroom in the main building. Each area at the facility has its own breakroom, and there was no evidence of employees using breakrooms in other areas or buildings.

[8] This term was not defined on the record.

[9] Employees in the existing unit are not eligible for merit-based increases.

There are approximately 160 employees at the facility. Of those, approximately 87 are in the existing unit.

II. BOARD LAW

When a union desires to add unrepresented employees to an existing unit, an *Armour-Globe* self-determination election is the proper method by which to do so. "The Board will direct such an election where the petitioned-for employees share a community of interest with the unit employees and where the petitioned-for employees constitute an identifiable, distinct segment that is an appropriate voting group." *Walt Disney Parks & Resorts, U.S., Inc.*, 373 NLRB No. 99, slip op. at 8 (2024) (citing *Warner-Lambert Co.*, 298 NLRB 993, 995 (1990)).

When determining an appropriate unit, the Board delineates the grouping of employees within which freedom of choice may be given collective expression. At the same time, it creates the context within which the process of collective bargaining must function. Therefore, each unit determination must foster efficient and stable collective bargaining. *Gustave Fisher, Inc*., 256 NLRB 1069 (1981). On the other hand, the Board has also made clear that the unit sought for collective bargaining need only be an appropriate unit. Thus, the unit sought need not be the ultimate, or the only, or even the most appropriate unit. *Overnite Transportation Co*., 322 NLRB 723, 723 (1996). As a result, in deciding the appropriate unit, the Board first considers whether the unit sought in a petition is appropriate. Id. When deciding whether the unit sought in a petition is appropriate, the Board focuses on whether the employees share a "community of interest." *NLRB v. Action Automotive,* 469 U.S. 490, 494 (1985). In turn, when deciding whether a group of employees shares a community of interest, the Board considers whether the employees sought are organized into a separate department; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the Employer's other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised. *United Operations, Inc*., 338 NLRB 123 (2002). Particularly important in considering whether the unit sought is appropriate are the organization of the plant and the utilization of skills. *Gustave Fisher, Inc*., above at 1069 fn. 5. With regard to organization of the plant, the Board has made clear that it will not approve of fractured units, i.e., combinations of employees that are too narrow in scope or that have no rational basis. *Seaboard Marine*, 327 NLRB 556 (1999). However, *all* relevant factors must be weighed in determining community of interest.

III. APPLICATION OF BOARD LAW TO THE FACTS OF THIS CASE

Here, the parties stipulated that the Laboratory Technicians constitute an identifiable, distinct segment of the workforce, and I accept that stipulation based on the record evidence. Based on that stipulation, I will focus on the community of interest factors.

A. Organization of the Plant

An important consideration in any unit determination is whether the proposed unit conforms to an administrative function or grouping of an employer's operation. Thus, for example, generally the Board would not approve a unit consisting of some, but not all, of an employer's production and maintenance employees. See *Check Printers, Inc.*, 205 NLRB 33 (1973). However, in certain circumstances the Board will approve a unit in spite of the fact that other employees in the same administrative grouping are excluded. *Home Depot USA*, 331 NLRB 1289, 1289 and 1291 (2000). In this case, the voting group sought by the Petitioner conforms to an administrative grouping of the Employer. The Laboratory Technicians are organized in a separate department without any employees in the existing unit.

This factor weighs against a shared community of interest between the petitioned-for employees and those in the existing unit.

B. Interchangeability and Contact among Employees

Interchangeability refers to temporary work assignments or transfers between two groups of employees. Frequent interchange "may suggest blurred departmental lines and a truly fluid work force with roughly comparable skills." *Hilton Hotel Corp*., 287 NLRB 359, 360 (1987). As a result, the Board has held that the frequency of employee interchange is a critical factor in determining whether employees who work in different groups share a community of interest sufficient to justify their inclusion in a single bargaining unit. *Executive Resource Associates*, 301 NLRB 400, 401 (1991) (citing *Spring City Knitting Co. v. NLRB*, 647 F.2d 1011, 1015 (9th Cir. 1981)). In this case, the record is clear that there is no interchange between the employees in the petitioned-for unit and the employees in the existing unit.

Also relevant for consideration with regard to interchangeability is whether there are permanent transfers among employees in the unit sought by a union. However, the existence of permanent transfers is not as important as evidence of temporary interchange. *Hilton Hotel Corp*, above. In this matter the record reveals no permanent transfers between the employees in the petitioned-for unit and employees in the existing unit.

Also relevant is the amount of work-related contact among employees, including whether they work beside one another. Thus, it is important to compare the amount of contact employees in the unit sought by a union have with one another. See, e.g., *Casino Aztar*, 349 NLRB 603, 605-06 (2007). There is evidence of some work-related contact between some of the employees at issue. Operators will sometimes wait in the lab with Laboratory Technicians while their samples are being tested, and Laboratory Technicians will occasionally call Operators with results if the Laboratory Technicians cannot reach a shift supervisor. Laboratory Technicians will occasionally enter the plant to obtain samples for testing.

The lack of interchange, even with some work-related contact, weighs against a shared community of interest between the petitioned-for employees and those in the existing unit.

C. Common Supervision

Another community of interest factor is whether the employees in dispute are commonly supervised. In examining supervision, most important is the identity of employees' supervisors who have the authority to hire, to fire, or to discipline employees (or effectively recommend those actions) or to supervise the day-to-day work of employees, including rating performance, directing and assigning work, scheduling work, and providing guidance on a day-to-day basis. *Executive Resources Associates*, above at 402; *NCR Corporation*, 236 NLRB 215 (1978). Common supervision weighs in favor of placing the employees in dispute in one unit. However, the fact that two groups are commonly supervised does not mandate that they be included in the same unit, particularly where there is no evidence of interchange, contact, or functional integration. *United Operations*, above at 125. Similarly, the fact that two groups of employees are separately supervised weighs in favor of finding against their inclusion in the same unit. However, separate supervision does not mandate separate units. *Casino Aztar*, above at 607 fn. 11. Rather, more important is the degree of interchange, contact and functional integration. Id. at 607.

In this case, the record reveals that the Laboratory Technicians are supervised separately at the first and second levels from those in the existing unit. The first shared level of supervision between the Laboratory Technicians and employees in the existing unit is Site Director Shurtleff. This factor weighs against a shared community of interest between the petitioned-for employees and those in the existing unit.

D. The Nature of Employee Skills and Functions

This factor examines whether disputed employees can be distinguished from one another on the basis of job functions, duties, or skills. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. Evidence that employees perform the same basic function or have the same duties, that there is a high degree of overlap in job functions or of performing one another's work, or that disputed employees work together as a crew, support a finding of similarity of functions. Evidence that disputed employees have similar requirements to obtain employment, that they have similar job descriptions or licensure requirements, that they participate in the same Employer training programs, and/or that they use similar equipment supports a finding of similarity of skills. *Casino Aztar*, above; *J.C. Penney Company*, 328 NLRB 766 (1999); *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenician*, 308 NLRB 826 (1992). Where there is also evidence of similar terms and conditions of employment and some functional integration, evidence of similar skills and functions can lead to a conclusion that disputed employees must be in the same unit, in spite of lack of common supervision or evidence of interchange. *Phoenician*, above.

In this case, the record reveals that the Laboratory Technicians have separate job functions, duties, and skills from the employees in the existing unit. No employee in the existing unit works in the lab, tests samples, or performs the type of quality control work that the Laboratory Technicians perform. Laboratory Technicians have specialized education requirements that do not

apply to employees in the existing unit. This factor weighs against a shared community of interest between the petitioned-for employees and those in the existing unit.

E. Degree of Functional Integration

Functional integration refers to when employees' work constitutes integral elements of an employer's production process or business. Thus, for example, functional integration exists when employees in a unit sought by a union work on different phases of the same product or as a group provides a service. Another example of functional integration is when the Employer's workflow involves all employees in a unit sought by a union. Evidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions is relevant when examining whether functional integration exists. *Transerv Systems*, 311 NLRB 766 (1993). On the other hand, if functional integration does not result in contact among employees in the unit sought by a union, the existence of functional integration has less weight.

In this matter, the record reveals evidence of functional integration that leads to some contact among employees. The Laboratory Technicians receive raw materials and test them before they are used in the Employer's products, test product samples as the Operators are producing them, and test final products made by Operators before they are shipped to the Employer's customers. As discussed above, there is some contact among employees in the petitioned-for unit and employees in the existing unit as a result of this functional integration.

This factor weighs in favor of a shared community of interest between the petitioned-for employees and those in the existing unit, but because it does not result in frequent contact among employees, it has less weight.

F. Terms and Conditions of Employment

Terms and conditions of employment include whether employees receive similar wage ranges and are paid in a similar fashion, e.g., hourly; whether employees have the same fringe benefits; and whether employees are subject to the same work rules, disciplinary policies, and other terms of employment that might be described in an employee handbook. However, the fact that employees share common wage ranges and benefits or are subject to common work rules does not warrant a conclusion that a community of interest exists where employees are separately supervised, do not interchange, and/or work in a physically separate area. *Bradley Steel, Inc*., 342 NLRB 215 (2004); *Overnite Transportation Co.*, 322 NLRB (1996). Similarly, sharing a common personnel system for hiring, background checks, and training, as well as the same package of benefits, does not warrant a conclusion that a community of interest exists where two classifications of employees have little else in common. *American Security Corporation*, 221 NLRB 1145 (1996).

When differences in terms and conditions of employment are dictated by a collective-bargaining agreement, the differences are entitled to less weight in self-determination election situations. *KGW-TV*, 2026 WL 2594123, slip op. at 1 fn. 1 (2026) (citing *Public Service Co. of Colorado*, 365 NLRB 1017, 1017 fn. 4 (2017)).

In the instant case, the record reveals that employees in the petitioned-for unit share some common terms and conditions of employment with employees in the existing unit. These similarities include parking locations, badging in an out with the WorkForce clock, using the same entrances, and being paid biweekly. There are several differences in the employees' terms and conditions of employment, most of which have been negotiated in the collective-bargaining agreement covering employees in the existing unit. These differences include being salaried versus hourly, the attendance policy, evaluations, call-in pay, shift differential, and merit increases.

Because most of the differences are dictated by a collective-bargaining agreement, this factor weighs in favor of a shared community of interest between the petitioned-for employees and those in the existing unit; however, this is not enough to warrant a conclusion that a community of interest exists based the findings regarding separate supervision, the lack of interchange, and the fact that employees work in a physically separate location.

IV. CONCLUSION

In determining that the voting group sought by the Petitioner is not appropriate, I have carefully weighed the community of interest factors cited in *United Operations*, above, and conclude that the voting group sought by the Petitioner is not appropriate because the Laboratory Technicians do not share a community of interest with employees in the existing unit.

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The parties stipulated, and I find, that the Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.[10]

3. The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

ORDER

It is hereby ordered that the petition in this matter is dismissed.

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[10] The parties stipulated to the following:

> The Employer, LANXESS Corporation, a State of Delaware corporation, with an office and place of business in Kalama, Washington, is engaged in the business of manufacturing specialty chemicals. Within the past twelve months, a representative period, the Employer received gross revenue in excess of $500,000, and purchased and received at its Kalama, Washington facilities goods valued in excess of $50,000 directly from points outside the State of Washington.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67(c) of the Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A copy of the request for review must be served on each of the other parties as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: Pursuant to Section 102.5 of the Board's Rules and Regulations, a request for review must be filed by electronically submitting (E-Filing) it through the Agency's web site (www.nlrb.gov), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden. A request for review filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Section 102.5(e) of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations. The request for review must comply with the formatting requirements set forth in Section 102.67(i)(1) of the Board's Rules and Regulations. Detailed instructions for using the NLRB's E-Filing system can be found in the E-Filing System User Guide.

A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business **(5 p.m. Eastern Time) on December 8, 2026**. unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on December 8, 2026.**

Filing a request for review electronically may be accomplished by using the E-Filing system on the Agency's website at www.nlrb.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which must also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Any party may, within 5 business days after the last day on which the request for review must be filed, file with the Board a statement in opposition to the request for review. An opposition must be filed with the Board in Washington, DC, and a copy filed with the Regional Direction and copies served on all the other parties. The opposition must comply with the formatting requirements set forth in §102.67(i)(1). Requests for an extension of time within which to file the opposition shall be filed pursuant to §102.2(c) with the Board in Washington, DC, and a certificate of service shall accompany the requests. The Board may grant or deny the request for review without awaiting a statement in opposition. No reply to the opposition may be filed except upon special leave of the Board.

Dated: November 23, 2026

Ronald K. Hooks

RONALD K. HOOKS, Regional Director
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