

In the Matter of MONTGOMERY WARD & Co., INCORPORATED and INTERNATIONAL UNION OF OPERATING ENGINEERS, FIREMEN AND OILERS, LOCAL NO. 6, AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR

In the Matter of MONTGOMERY WARD & Co., INCORPORATED and UNITED MAIL ORDER, WAREHOUSE & RETAIL EMPLOYEES UNION, LOCAL 131, AFFILIATED WITH UNITED RETAIL, WHOLESALE AND DEPARTMENT STORE EMPLOYEES OF AMERICA, CIO

*Cases Nos. 17-R-662 and 17-R-723, respectively.—Decided
December 13, 1943*

Mr. D. M. Norton, of Chicago, Ill., for the Company.

Mr. Cecil F. Liles, of Kansas City, Mo., for the Engineers.

Messrs. Harry C. Clark and Edward Chevlin, of Kansas City, Mo., for the C. I. O.

Messrs. Clif Langsdale, John J. Manning, and James O. Mack, all of Kansas City, Mo., for the Council.

Mr. Robert Silagi, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon petitions duly filed by International Union of Operating Engineers, Firemen and Oilers, Local No. 6, affiliated with the American Federation of Labor, herein called the Engineers, and United Mail Order, Warehouse & Retail Employees Union, Local 131, affiliated with United Retail, Wholesale and Department Store Employees of America, C. I. O., herein called the CIO, each alleging that a question affecting commerce had arisen concerning the representation of employees of Montgomery Ward & Co., Incorporated, Kansas City, Missouri, herein called the Company, the National Labor Relations Board consolidated the cases and provided for an appropriate hearing upon due notice before John A. Weiss, Trial Examiner. Said hearing was held at Kansas City, Missouri, on October 13 and 14, 1943. The Company, the Engineers, the CIO, and Building and Construc-

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tion Trades Council of Greater Kansas City, herein called the Council, 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. All parties were afforded opportunity to file briefs with the Board.²

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Montgomery Ward & Co., Incorporated, is an Illinois corporation maintaining its principal office and place of business in Chicago, Illinois. The Company is engaged in the sale and distribution of clothing, home furnishings and supplies, hardware, building equipment, jewelry, musical instruments, electrical supplies, books, stationery, automobile accessories, cosmetics, sporting goods, and other items of merchandise. The Company operates 9 mail order houses and more than 500 retail stores located throughout the United States. This proceeding is concerned solely with the mail order house and retail store operated by the Company in Kansas City, Missouri. The mail order house serves an area extending into 6 States and makes approximately 60 percent of its sales to purchasers in States other than the State of Missouri. Total purchases for the mail order house for the fiscal year ending January 31, 1943, amounted to more than \$18,000,000, of which more than 90 percent was shipped to Kansas City from points outside the State of Missouri. Sales for the same period exceeded \$25,000,000, about 75 percent of which represents shipments of merchandise to points outside the State of Missouri. With respect to the operations of the retail store, approximately \$3,500,000 worth of merchandise was purchased during the fiscal year ending January 31, 1943, about 80 percent of which represents articles purchased in States other than Missouri. The sales of the retail store amount to about \$3,300,000 about 6 percent of which was made to purchasers located outside the State of Missouri.

The Company concedes and we find that, with respect to its mail order house and retail store in Kansas City, Missouri, it is engaged in commerce within the meaning of the National Labor Relations Act.

¹ The CIO submitted a waiver of its right to object to an election, if ordered, based upon certain charges of unfair labor practices it had previously filed against the Company.

² Following the hearing, the Company submitted certain proposed changes to correct the record, the majority of which are agreeable to all parties. Insofar as the parties stipulated to adopt the changes, we hereby approve said stipulation and order the corrections to be incorporated in the official transcript.

II. THE ORGANIZATIONS INVOLVED

International Union of Operating Engineers, Firemen and Oilers, Local No. 6, and Building and Construction Trades Council of Greater Kansas City, are labor organizations affiliated with the American Federation of Labor, and admit to membership employees of the Company.

United Mail Order, Warehouse & Retail Employees Union, Local 131, affiliated with United Retail, Wholesale and Department Store Employees of America, affiliated with the Congress of Industrial Organizations, is a labor organization admitting to membership employees of the Company.

III. THE QUESTIONS CONCERNING REPRESENTATION

On April 12, 1943, the Engineers notified the Company that it represented a majority of the engineers, firemen and oilers working in the heating and boiler plant of the Company at Kansas City. On August 25, 1943, the CIO informed the Company that it represented a majority of the production and maintenance employees in the Company's mail-order house and retail store in Kansas City. The Company has refused all requests to bargain, maintaining that it will not bargain with either of the unions until it is certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that each union represents a number of employees in the units alleged to be appropriate.³

We find that questions affecting commerce have 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 UNITS

The Company and the CIO, in substantial agreement, request the establishment of two units, embracing all employees in the Company's mail order house and retail store, respectively. The Engineers seeks the establishment of a separate unit for employees in the heating and power plant, and the Council desires to represent certain employees, members of various crafts, who are employed in the maintenance department.

³ The Company's pay roll was received too late to make an accurate check against the designations submitted by the unions. The Field Examiner reported that the CIO submitted 731 authorization and application for membership cards, variously dated between May 1937 and September 1943, 693 of which bore apparently genuine original signatures. The Engineers submitted 8 authorization cards, all dated as of July 15, 1943. Seven of the cards submitted bore apparently genuine original signatures and also bore the names of persons listed on the Company's pay roll of July 9, 1943. The Council submitted 20 application for membership cards, all of which bore apparently genuine original signatures, 14 of which were dated in August 1943, and the remainder were undated.

The Kansas City operations of the Company consist of two businesses, the mail order house and the retail store, which function independently of each other. Although housed together in a single building, and extending the same insurance and employee benefits to their employees, each business is separately managed, maintains its own pay roll, wage and job classifications, merchandise purchasing department, and personnel department. The manager of each is responsible to separate regional heads, who are in turn responsible to the executive officers of the Company in Chicago, the Company's home office. The employees of the two are not interchangeable. In Kansas City there is no person or group of persons authorized to handle labor relations for both enterprises. There is no history of collective bargaining either in the mail order house or in the retail store, although from time to time since 1937, the CIO has presented to and consulted with the managements on individual or group grievances. For these reasons the Company desires to preserve the identity of each business by establishing separate units for the employees thereof. In its petition the CIO requested a single over-all unit; however, at the hearing it acquiesced in the Company's position. We see no reason to depart from the agreement of the parties in this respect.

The physical plant of the Company consists of a large building, the lower floors of which are occupied by the retail store and the upper floors by the mail order house. The mail order house is considered the lessor of the building and the retail store the tenant. Accordingly, the mail order house heats and keeps the building in repair. To perform these functions the mail order house has a building operating and maintenance department. Four engineers and four firemen, under the direction of a supervisory engineer, perform the work in the building's boiler room. It is these employees, excluding the supervisory engineer, whom the Engineers seeks to represent. The Company and the CIO oppose the carving out of any craft unit from the industrial units which they seek to establish. The engineers and the firemen work exclusively in the boiler room in the basement of the building, have no contact with the other employees of the Company, and are paid on a separate wage scale, which is higher than that normally paid in the mail-order house. By municipal ordinance the engineers are required to be licensed and the firemen must also pass certain examinations before they are permitted to work with the high pressure apparatus.

Since the employees of the boiler room are in effect a division separate and apart from all other employees of the Company,⁴ we find that all engineers and firemen of the Company, but excluding

⁴ See *Matter of Montgomery Ward & Co.*, 29 N. L. R. B. 1120; also *Matter of Montgomery Ward & Co., Incorporated*, 44 N. L. R. B. 694.

the supervisory engineer, and any other supervisory employee 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.

The Council which consists of a number of craft unions, not including the Engineers, seeks to represent the carpenters, painters, plumbers, electricians, millwrights, cabinet makers, and glaziers employed by the Company, in a separate unit. Here, too, the Company and the CIO oppose the establishment of any craft unit, giving as their reason the similarity of conditions of work between these and other employees of the Company. These craftsmen, between 30 and 40 in number, are almost all employed in the maintenance department of the mail order house, which includes porters, elevator operators, matrons, and janitors, the latter groups, however, not being sought by the Council. Like the engineers and firemen, the maintenance craftsmen enjoy a wage scale which is generally higher than that of other employees of the Company. In addition, they have undergone apprenticeships and possess skills which set them apart from the other employees. Maintenance employees, unlike the engineers and firemen, who are confined to the boiler room, work throughout the entire building making repairs to the premises of both the mail order house and the retail store, thus coming in contact with other employees of the Company. When they work in the space occupied by the retail store their activities are restricted to repairing and replacing of work on the building itself.

Under all the circumstances we are of the opinion that the maintenance craftsmen may properly constitute a separate bargaining unit, or may equally achieve the full benefit of their right to self-organization for collective bargaining as part of the mail order house industrial unit. In this situation we shall permit the scope of the bargaining units to be determined in part by the desires of the employees themselves to be expressed in a separate election. The retail store has its own staff of one carpenter and two painters whom it employs to repair and paint its displays and movable fixtures. The Council seeks to include the retail store carpenter and painters in its unit of maintenance craftsmen. Being on separate pay rolls, the carpenter and painters employed by the retail store have no contact with the maintenance employees of the mail order house. They are separately supervised and maintain quarters in different parts of the building. The record contains no indication that the Council has attempted to organize the three employees in question. In view of their wholly different functions and our previous determination that

the employees of the mail order house and the retail store shall be kept apart, we shall exclude the retail store carpenter and painters from the voting group of maintenance craftsmen. The parties agree that the supervisor of the maintenance department should be excluded but disagree with respect to the carpenter, plumber, electrician, and painter foremen. The evidence in respect to the duties and functions of the latter employees is meagre. A representative of the Council testified that the carpenter foreman, who apparently is typical of the foremen in question, is the kind of employee who is customarily included in units of carpenters working on construction jobs in Kansas City, because of the impermanence of his supervisory status. On one such job a carpenter may work as a foreman and a short time thereafter on another job, he may work as a journeyman. No attempt, however, was made to show that the craft foremen employed by the Company are subject to such variable conditions. In view of the nature of the duties and authority inherent in the title of foreman, we shall exclude the carpenter, plumber, electrician, and painter foremen from the voting group.

As indicated above, the Company and the CIO are in accord as to the general composition of the separate industrial units for the mail order house and retail store. By its petition the CIO seeks the exclusion of "managers, merchandisers, buyers, rebuyers, department heads, section heads, supervisors, part-time employeés, personnel department employees, confidential employees, timekeepers, and house protection employeés." The parties agree that managers or executives of the Company, merchandisers, and "confidential" employees should be excluded from the unit; there is disagreement, however, with respect to the following classifications, all of whom the Company would include and the CIO would exclude.

Mail Order House

1. *Regular part-time employees.* As of the date of hearing there were over 300 regular part-time employees employed in the mail order house. The CIO contends that no employee working less than 40 hours a week, or who holds employment elsewhere, should be included in the voting group; however, it accepts part-time employees into membership and has some members among them. Part-time employees occupy positions in nearly all classifications and work alongside the regular full-time employees. They are subject to the same supervision and wage rates, and have available for their use the same recreational facilities, eating accommodations, employee benefit plan, and discount privileges. In similar situations, the Board has included part-time employees in the same voting group with full-time

employees.⁵ We shall do so here. The parties agree however, and we shall exclude all temporary employees, i. e., all employees who are hired to complete a specific job, or to work only for a specified length of time.

2. *St. Joseph employees.* The Company has recently opened a wartime branch of its mail-order house in St. Joseph, Missouri, about 50 miles from Kansas City, wherein are employed 18 people in 4 or 5 different departments. All except 5 employees, who were loaned by the Kansas City house to the St. Joseph branch, are residents of St. Joseph. The Company contemplates expanding the St. Joseph mail-order house to about 250 or 300 employees. Because of the distance from the Kansas City operation, the CIO has made no attempt to organize these employees. We shall exclude all employees of the Company employed at its St. Joseph branch.

3. *Stenographers* do the work of record clerks, timekeepers, and also take some dictation. The confidential work that they perform in respect to labor relations is extremely limited. We shall include the stenographers.

4. *Timekeepers* perform purely clerical work on the time cards. We shall include them.

5. *Auditors* investigate and correct conditions in various production departments, such as checking on correspondence and quality. They perform no supervisory functions and we shall, therefore, include them.

6. *Special attention clerks* give special or preferred attention to unusual or particularly expensive orders, requests or adjustments. We shall include them.

7. *Switchboard operators* perform routine duties on the telephone switchboard. The CIO would include teletype operators who handle practically the same information as do the telephone operators. We shall include both categories of employees.

8. *Cashiers* make up pay rolls, put money in envelopes, get them ready for distribution on pay days, balance the cash, make up balance sheets, prepare the bank deposit sheets and handle all checks. Their duties involve no exercise of supervision. They report to a chief cashier. We shall include the cashiers but exclude the chief cashier.

9. *Secretaries.* There are four confidential secretaries who work for the house manager, house operating manager, house merchandising manager, and house comptroller, executives of the Company who,

⁵ See *Matter of Montgomery Ward & Co., Incorporated*, 41 N. L. R. B. 122; *Matter of the May Department Stores Company, d/b/a The May Company*, 39 N. L. R. B. 471; *Matter of the May Department Stores Company, d/b/a Famous-Barr Company*, 46 N. L. R. B. 305, and *Matter of Max Kaplan and Jacob Kaplan, copartners, d/b/a Kaplan Brothers*, 46 N. L. R. B. 1057.

among their other duties, are also concerned with labor relations. The Company apparently agrees to the exclusion of the confidential secretaries, but desires the inclusion of the remaining six or seven general secretaries. The general secretaries perform routine work and have very limited contact with confidential matters relating to labor matters. We shall, therefore, include the general secretaries, but exclude the confidential secretaries.

10. *Nurses.* There are several nurses in the medical unit, who administer first aid and assist the physician in the examination and treatment of medical cases. Since these individuals are registered nurses, we shall exclude them as professional employees.

11. *Production control clericals* determine or assist in determining the amount of work each employee within a given group can do with acceptable accuracy. They also see that the work thus provided reaches the employees at regular intervals. In addition, they maintain output and accuracy records. The Company admits that their duties are in part supervisory in nature. We shall, therefore, exclude them.

12. *Personnel department: employment pre-interviewers, and wage administration auditor.* All these employees are personnel department employees whom the CIO would exclude as a group. Employment pre-interviewers conduct preliminary interviews among applicants for jobs. It is their job to weed out individuals who are patently undesirable. Employment test supervisors administer tests to applicants for jobs. The wage administration auditor reviews the wages paid in the mail-order house to determine whether the Company's wage plan is properly administered. He also checks to see that the provisions of the Fair Labor Standards Act are complied with. We shall follow our normal practice in this respect and exclude all personnel department employees.⁶

13. *Protection service department:* Employees in this department, including the doorman, watchman, and investigator guard the Company's property, prevent shop lifting, and exercise some degree of surveillance over the other employees. Accordingly, we shall exclude the entire protection service department.

14. *Assistant division merchandisers* observe the records reflecting the condition of the merchandise in the mail order house and reorder against existing contracts to replenish the stock. They make their reports to the merchandisers.⁷ The record does not indicate that assistant division merchandisers have or exercise any supervisory authority. We shall, therefore, include them in the voting group.

⁶ See *Matter of Montgomery Ward & Co., Incorporated*, 41 N. L. R. B. 122

⁷ The record indicates that the "buyers" or "rebuyers" mentioned in the CIO's petition are synonymous with "merchandisers" who are excluded by agreement.

Retail store

1. *Cashiers, timekeepers, typists, stenographers and secretaries.* These employees in the retail store perform the same duties and functions as their counterparts in the mail order house. We shall, therefore, include them, but exclude any confidential secretaries to executives of the Company.

2. *Department heads or department managers* have from 1 to 20 employees under them. The Company asserts that their authority is limited to noting facts respecting the work of their subordinate employees which are referred to the store manager for his determination as to whether an employee should be terminated or demoted. Their salaries are higher than those of the employees under them and they direct all work of said employees. Although they allegedly only narrate facts, their position is such that the facts related might well be the primary cause resulting in the discharge or discipline of the employees in their departments. We shall, therefore, exclude them.

3. *Protection service department.* As in the case of the mail order house, we shall exclude all protection employees of the retail store.

4. *Priority clerk* types and files priority forms. His work is purely clerical and he performs no confidential work of any kind. We shall include him in the unit.

5. *Personnel department.* The personnel trainer assists in training new employees. She is the assistant to the personnel manager. As in the case in the mail order house, we shall exclude all personnel department employees.

6. *Front bar employee* performs the same duties as any fountain or confectionery sales person. We shall, therefore, include that employee.

7. *Advertising manager, display manager, service station manager.* The advertising manager is in charge of all advertising for the retail store; the display manager is in charge of displays; and the service station manager is responsible for the records of the automobile service station operated by the retail store. Although only the display manager has one or two employees under him, we shall exclude all three categories because of their intimate relationship to management.

8. *Regular part-time employees.* The retail store employed, as of the date of the hearing, about 25 part-time employees. They function in the same manner as do the part-time employees in the mail-order house. Accordingly, we shall include all part-time employees. As in the case of the mail order house, the parties agree to exclude all temporary employees. We shall exclude them from the unit.

Inasmuch as there are no craft groups to be voted in separate elections in the retail store, we shall make a present unit finding with respect to the retail store. We therefore find that all employees of the

Company's Kansas City retail store, including regular part-time employees, cashiers, timekeepers, typists, stenographers, general secretaries, the priority clerk, and front bar employee, but excluding all temporary employees, department heads or managers, protection service department employees, confidential secretaries to executives, personnel department employees, advertising manager, display manager, and service station manager, managers, 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 separate unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

On the basis of the entire record and in accordance with the foregoing, we shall direct elections among the mail-order house employees of the Company within the groups described below:

(a) All employees in the Company's Kansas City mail order house, including regular part-time employees, stenographers, timekeepers, auditors, special attention clerks, switchboard operators, cashiers, general secretaries, and assistant division merchandisers, but excluding all St. Joseph branch employees, production control clericals, temporary employees, managers, merchandisers, personnel department employees, protection service department employees, chief cashier, nurses, confidential secretaries to executives, 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, engineers, firemen, and the employees in voting group (b) below, to determine whether or not they desire to be represented by the CIO for the purposes of collective bargaining.

(b) All carpenters, painters, plumbers, electricians, millwrights, cabinet makers, and glaziers employed by the Company, but excluding the maintenance department head, the carpenter, plumber, painter, and electrician foremen, and any other supervisory employees with authority to hire, promote, discharge, discipline or otherwise effect changes in the status of employees, or effectively recommend such action, to determine whether they desire to be represented by the CIO or by the Council for the purposes of collective bargaining, or by neither.

As stated above, except for the unit found appropriate with respect to the employees in the boiler room, there will be no final determination of the appropriate unit or units with respect to the mail order house pending the results of the elections. If the CIO receives a majority of the votes cast in the respective voting groups of the mail order house, the employees in said groups will together constitute a single appropriate unit.

V. THE DETERMINATION OF REPRESENTATIVES

The Engineers and the Council are agreeable to the established Board practice of determining eligibility to vote in the elections by the last pay-roll period preceding the date of the Direction of Election. The CIO requests that the eligibility date be September 1, 1943, and the Company wants the pay-roll period immediately preceding the date of the election to be used. Since there is no expected expansion in the groups sought to be represented by the Engineers and the Council, no problem is raised there. The matter is quite different, however, with respect to the main body of production and maintenance employees.

The CIO contends that the contemplated hiring of approximately 1,500 additional employees to handle the Christmas shopping rush constitutes a form of "packing" the pay roll to its detriment. On the present state of the record we are not persuaded that this is so. The evidence substantiates the Company's claim that it is doing a greater volume of business this year and with about 200 fewer employees than at the same time 1 year ago. The record also indicates that the Company has an unusually high turnover rate of approximately 30 percent per month. Under those circumstances it would not be unusual for the Company to attempt to replace its employees who have left its employment. For this reason and in view of the agreement between the parties to exclude temporary employees, we are of the opinion that our normal practice with respect to determination of eligibility will be most fair to the employees.

We shall direct that elections by secret ballot shall be held among the employees in each of the appropriate units and voting groups above defined 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. The questions concerning representation which have arisen with respect to the employees in the units found appropriate shall be resolved by separate elections among the employees in such units. Upon the results of the elections in the remaining voting groups above defined will depend, in part, our determination of the appropriate unit or units, if any, governing employees in such groups.

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 Montgomery Ward & Co., Incorporated, Kansas City, Missouri, elections 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 Seventeenth 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 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, and excluding all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action:

(1) All employees in the Company's Kansas City retail store, including regular part-time employees, cashiers, timekeepers, typists, stenographers general secretaries, the priority clerk, and front bar employee, but excluding all temporary employees, department heads or managers, protection service department employees, confidential secretaries to executives, personnel department employees, advertising manager, display manager, service station manager, and managers, to determine whether or not they desire to be represented by United Mail Order, Warehouse & Retail Employees Union, Local 131, affiliated with United Retail, Wholesale and Department Store Employees of America, C. I. O., for the purposes of collective bargaining.

(2) All employees in the Company's Kansas City mail order house, including regular part-time employees, stenographers, timekeepers, auditors, special attention clerks, switchboard operators, cashiers, general secretaries, and assistant division merchandisers, but excluding all St. Joseph branch employees, production control clericals, temporary employees, managers, merchandisers, personnel department employees, protection service department chief cashier, nurses, confidential secretaries to executives, and the employees in voting groups (3) and (4) below, to determine whether or not they desire to be represented by United Mail Order, Warehouse & Retail Employees Union, Local 131, affiliated with United Retail, Wholesale and Department Store Employees of America, C. I. O., for the purposes of collective bargaining.

(3) All engineers and firemen of the Company, but excluding the supervisory engineer, to determine whether they desire to be represented by United Mail Order, Warehouse & Retail Employees Union, Local 131, affiliated with United Retail, Wholesale and Department Store Employees of America, C. I. O., or by International Union of Operating Engineers, Firemen and Oilers, Local No. 6, A. F. of L., for the purposes of collective bargaining, or by neither.

(4) All carpenters painters, plumbers, electricians, millwrights, cabinet makers, and glaziers employed by the Company, but excluding the maintenance department head, the carpenter, plumber, painter and electrician foremen, to determine whether they desire to be represented by the United Mail Order, Warehouse & Retail Employees Union, Local 131, affiliated with United Retail, Wholesale and Department Store Employees of America, C. I. O., or by the Building and Construction Trades Council of Greater Kansas City, for the purposes of collective bargaining, or by neither.