

In the Matter of SHREVE AND COMPANY and JEWELRY WORKERS UNION
No. 36, INTERNATIONAL JEWELRY WORKERS UNION, A. F. L.

Case No. 20-R-969.—Decided April 24, 1944

Messrs. Burnham Emerson and Gerald H. Trautman, of San Francisco, Calif., for the Company.

Messrs. George F. Alder and Leonard Allen, and Mrs. Bella Aaron, of San Francisco, Calif., for the Union.

Mr. William Whitsett, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Jewelry Workers Union No. 36, International Jewelry Workers Union, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Shreve and Company, San Francisco, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Gerald P. Leicht, Trial Examiner. Said hearing was held at San Francisco, California, on March 17, 1944. The Company and the Union appeared and participated. All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company, a California corporation, owns and operates at San Francisco, California, a retail jewelry store and a factory where it manufactures jewelry, silver pieces, leather, and wooden goods, stationery and related items. The output of the factory is largely for the inven-

tory of the retail store, being carried on the Company's books as "purchases" from the factory although no money is transferred. The balance of the factory output is made on individual orders received at the store, and is sent to the store for delivery. While the factory has a superintendent in charge of production, the policy and overall direction of the factory and store are vested in the Company's vice president whose office is located at the store.

During 1941 the raw materials for use in the factory were purchased locally; they consisted of precious metals, leather, and wood and were valued at approximately \$42,000. The entire factory production during 1941, valued at approximately \$170,000, was sold to the retail store; of this merchandise, articles valued at approximately \$35,000 were subsequently sold and shipped by the retail store to points outside the State. In other years some of the merchandise was manufactured at the factory on orders received at the store, some of which came from outside the State. During 1941 the retail store purchased, for resale, merchandise valued in excess of \$300,000 from points outside the State; it sold and shipped to points outside the State merchandise valued at approximately \$135,000. Since August 1942 the Company manufactured merchandise at its factory as a subcontractor for Hammond Aircraft Company which holds defense contracts. During 1943 the value of such work done at the factory was approximately \$9,000.

It is clear that while the Company's larger operation is that of retailing, the factory is an integral part of its business. The operations are so interrelated as to require them to be considered as parts of one business. A stoppage of work at the factory would have serious repercussions in the retail store. Moreover, even if the factory were to be considered as a separate business, a substantial amount of its manufactured merchandise is sold and shipped to points outside the State.

We find that the Company, whether its operations at the factory be considered separately or together with the store as one business, is engaged in commerce within the meaning of the National Labor Relations Act. The Company's motion to dismiss for lack of jurisdiction is therefore denied.

II. THE ORGANIZATION INVOLVED

Jewelry Workers Union No. 36, International Jewelry Workers Union, affiliated with the A. F. of L., is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its jewelry mechanics until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.¹

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

IV. THE APPROPRIATE UNIT

The Union seeks a unit consisting of all jewelry mechanics working on precious metals, exclusive of supervisory employees. The Company took no position with respect to the unit. The unit sought is a well-defined and homogeneous craft group of jewelry mechanics consisting of jewelers, polishers, and setters. They are employed in the jewelry department in a separate room in the Company's factory which employs a total of 37 workers. The supervisory personnel of these mechanics is distinct and exclusive. There is no interchange of employees between the jewelry department and other departments of the factory. The jewelry mechanics are highly skilled and their trade requires a lengthy apprenticeship. All work on an hourly basis and are paid a different rate of pay than other employees in the factory. The Union's jurisdiction is limited solely to jewelry mechanics, and the record shows that such a craft unit as is here sought is common in the industry and in the locale.

We find that all jewelry mechanics working on precious metals, but 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, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations

¹The Field Examiner reported that the Union submitted one card, dated November 24, 1943, which bore apparently genuine original signatures of four employees; and that said card contained the names of all employees in the appropriate unit as of February 22, 1944

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 Shreve and Company, San Francisco, 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 Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding 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 or not they desire to be represented by Jewelry Workers Union, Local 36 for the purposes of collective bargaining.