

In the Matter of BOND STORES, INC. and INTERNATIONAL LADIES'
GARMENT WORKERS' UNION, A. F. L.

Case No. 10-R-1121.—Decided April 25, 1944

Leader, Hill & Tennenbaum, by Mr. Benjamin Leader and Mr.
Kenneth Perrine, of Birmingham, Ala., for the Company.

Mr. Joseph Jacobs, of Atlanta, Ga., for the Union.

Mr. Joseph E. Gubbins, of counsel to the Board.

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by International Ladies' Garment Workers' Union, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Bond Stores, Inc., Birmingham, Alabama, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Paul S. Kuelthau, Trial Examiner. Said hearing was held at Birmingham, Alabama, on April 3, 1944. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. At the hearing the Company filed a motion to dismiss the petition on the grounds, *inter alia*, that the unit sought by the Union is inappropriate and that the Board lacks jurisdiction. The motion is hereby denied. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Bond Stores, Inc., is a Maryland corporation having its principal office in New York City. The Company operates 60 stores, 1 of which

is located at Birmingham, Alabama, and is the only store with which we are here concerned. The remaining 59 stores are located throughout the United States. In addition to its stores, the Company operates 2 factories, 1 in New York and 1 in New Jersey. The factories are engaged in the manufacture, sale, and distribution of men's clothing and other merchandise to the stores. The stores are engaged in the retail sale and distribution of clothing and furnishings. During the year 1943, the Birmingham store sold merchandise valued in excess of \$300,000, all of which was shipped to the store from states other than the State of Alabama; approximately 3 percent of the total sales was shipped to points outside the State of Alabama. Each of the 60 stores of the Company does its own advertising but advertising copy is furnished from the New York office, and the same advertising copy appears in local newspapers of many States at the same time. The Birmingham store also advertises by radio over local Birmingham stations.

We find that the Company is engaged in commerce within the meaning of the National Labor Relations Act.¹

II. THE ORGANIZATION INVOLVED

International Ladies' Garment Workers' Union, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the bargaining representative for certain of its employees unless and until the Union is certified by the Board.

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

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

IV. THE APPROPRIATE UNIT

The Union seeks a unit comprised of all employees in the alteration department of the Company's Birmingham store. The Company contends that the unit sought is not appropriate.

¹ See *Matter of Bond Stores, Inc.*, 50 N. L. R. B. 1437; *Matter of J. L. Brandeis & Sons*, 53 N. L. R. B. 352.

² The Field Examiner reported that the Union submitted four authorization cards, all of which bear names of persons whose names are listed on the Company's pay roll of February 2, 1944; there are approximately six employees in the unit alleged by the Union to be appropriate.

The Company's alteration department is located in a single room which is separated from the remainder of the Birmingham store. It has seven employees, one of whom is a regular part-time employee, and is under the sole supervision of the store manager. The employees of the department, namely, a fitter, presser, tailors, and finishers, are engaged only in the alteration of clothes purchased in the Company's store. There is no interchange of employees between the alteration department and other departments of the store. The alteration department employees are generally considered as belonging to a skilled trade, having interests separate from those of sales and other store employees. In harmony with this distinction, the Union limits its membership to skilled alteration workers and has made no attempt to organize the remaining employees of the store. From the foregoing facts, we are of the opinion that a unit composed of alteration department employees is appropriate for the purposes of collective bargaining.³

We find that all employees in the alteration department of the Company's Birmingham, Alabama, store, excluding all supervisory employees who have the 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 payroll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and 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 Bond Stores, Inc., Birmingham, Alabama, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the

³ See *Matter of Greenfield's Company*, 54 N. L. R. B. 1315.

date of this Direction, under the direction and supervision of the Regional Director for the Tenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by International Ladies' Garment Workers' Union, affiliated with the American Federation of Labor, for the purposes of collective bargaining.