

In the Matter of WM. F. CROME & Co., EMPLOYER and GENERAL DRIVERS, WAREHOUSEMEN AND HELPERS, LOCAL UNION No. 534, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, A. F. L., PETITIONER

Case No. 17-RC-151.—Decided November 30, 1948

DECISION
AND
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.*

Upon the entire record in this case, the Board finds:

1. The Employer is a family corporation conducting a wholesale grocery in charge of one brother, and a Coca-Cola bottling, soft drink, and beer distributing business in charge of another brother, in adjacent buildings at Clinton, Missouri. Total grocery purchases for 1947 were approximately \$800,000, of which 80 to 90 percent originated outside the State, 40 to 50 percent of the total being made through Missouri brokers and warehouses. The Employer received at least 37 car lot purchases via interstate commerce. Sales amounted to \$922,000, all of which were made within the State. The 1947 purchases for the bottling business were about \$100,000, including \$80,000 worth of Budweiser and Falstaff beer, ordered from St. Louis where manufactured, and \$13,000 worth of Coca-Cola syrup ordered through Chicago but manufactured in St. Louis; sales were about \$150,000, all

¹The Petitioner's motion at the hearing to amend its petition to include Employer's grocery employees except salesmen was referred to the Board. We find the amendment proper inasmuch as the Employer had full opportunity to litigate all unit issues raised by the amended petition. *Matter of Ekco Products Co.*, 72 N. L. R. B. 1058.

*Houston, Reynolds, and Murdock.

within the State. In accordance with our rulings in *Matter of Dr. Pepper Co.*, 78 N. L. R. B. 1261, and *Matter of Providence Public Market Co.*, 79 N. L. R. B. 1482, we find that the Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The labor organization named below claims to represent employees of the Employer.

3. A question of representation exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The following employees of the Employer constitute a unit² appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All grocery warehouse employees and truck drivers, all bottling plant employees, the Coca-Cola truck drivers and the beer truck driver of Wm. F. Crome & Co., Clinton, Missouri, excluding grocery salesmen,³ office and clerical employees, and supervisors⁴ as defined in the Act.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, as amended, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, but excluding those employees who have since quit or been discharged for cause and have not been rehired

² Although there has been no shifting of employees from the grocery to the bottling business and only occasional shifts from the bottling to the grocery business, and although the corporation keeps separate ledger sheets and checking accounts for the 2 operations, we find a combined unit appropriate because the ownership and personnel policies are unified, the 13 employees in the unit have no particular skills, and they necessarily have some community of interest by reason of the relatively small size, proximity, and close alliance of the enterprises.

³ Grocery salesmen furnish their own cars, pay their own traveling expenses, and are paid a commission. All other employees are now paid a salary, and the truck drivers use the Employer's trucks.

⁴ We find that the shipping clerk in the grocery warehouse and the foreman in the bottling plant are not supervisors. They make no recommendations with respect to hiring, disciplining, or wages, and active supervision of both businesses is supplied by the two Crome brothers.

or reinstated prior to the date of the election, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented, for purposes of collective bargaining, by General Drivers, Warehousemen and Helpers, Local Union No. 534, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. L.