

In the Matter of THE GREAT ATLANTIC & PACIFIC TEA COMPANY,
EMPLOYER and TONY MEYERS AND CHARLES A. THORNTON, PETITION-
ERS and DISTRICT UNION No. 1470, RETAIL CLERKS INTERNATIONAL
ASSOCIATION, AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR,
UNION

Case No. 13-RD-37.—Decided September 21, 1949

DECISION

AND

ORDER

Upon a petition for decertification duly filed, a hearing was held before Herman J. De Koven, hearing officer. The hearing officer's rulings are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Houston and Gray].

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

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The Petitioners assert that the Union is no longer the representative of certain employees of the Employer, as defined in Section 9 (a) of the Act. The Union is a labor organization recognized by the Employer as the exclusive bargaining representative for the employees designated in the petition.

3. No question affecting commerce 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, for the following reasons:

Tony Meyers, one of the Petitioners herein, is employed as assistant grocery manager in the Employer's Rock Island, Illinois, store, involved in this proceeding. Charles A. Thornton, the other Petitioner, is employed as produce manager in the same store. Meyers has the power to hire and discharge employees, and has exercised that power. He also manages the store during the frequent absence of the grocery

manager. Thornton has several employees working under his direction. He has the power effectively to recommend their discharges and he has exercised that power on several occasions. The Petitioners solicited and obtained, during working hours, the employee signatures for the *prima facie* showing of interest to accompany the petition.

We find that the Petitioners are supervisors, within the meaning of the Act, and, for reasons expressed in an earlier decision,¹ are therefore ineligible to represent the Employer's employees in this proceeding. We shall for this reason dismiss the petition.²

ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed.

¹ *Matter of Clyde J. Merris*, 77 N. L. R. B. 1375.

² We find it therefore unnecessary to consider the other issues raised in this proceeding.