

IN THE MATTER OF MEMPHIS STEAM LAUNDRY-CLEANER, INC., EMPLOYER and TRUCK DRIVERS, SALESMEN AND WAREHOUSEMEN, LOCAL 667, AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL, PETITIONER

Case No. 32-RC-156.—Decided October 28, 1949

DECISION  
AND  
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held on July 29, 1949, at Memphis, Tennessee, before Andrew P. Carter, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

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

1. The business of the Employer:

The Employer is a Delaware corporation engaged in the operation of a laundry, dry cleaning, and linen supply service in Memphis, Tennessee. It does an annual business of about \$2,850,000 of which approximately \$57,000 represents services furnished customers in the adjoining States of Mississippi and Arkansas. The Employer purchases supplies amounting to about \$240,000 annually, of which \$96,000 represents out-of-State purchases. The Employer also owns all the stock in two separate corporations which operate linen supply services in Jackson, Mississippi, and Little Rock, Arkansas. These two corporations are separately managed, although the three corporations have practically the same boards of directors and officers.

We find, contrary to the contention of the Employer, that it is engaged in commerce within the meaning of the Act.<sup>1</sup>

<sup>1</sup> *Matter of Davey Tree Expert Company, Inc.*, 81 N. L. R. B. 1161; *Matter of Riggs Optical Company, Inc.*, 81 N. L. R. B. 1171; *Matter of New York Steam Laundry, Inc.*, et al., 80 N. L. R. B. 1597. See *Matter of Goar's Service & Supply*, 85 N. L. R. B. 219; *Matter of Horton's Laundry, Inc.*, 72 N. L. R. B. 1129.

The Board has refused to assert jurisdiction in other laundry cases where, unlike the present case, there were no services furnished customers outside the State and the employer did not operate out-of-State enterprises. See *Matter of J. Arthur Anderson Laundry*, 83 N. L. R. B. 1120; *Matter of Lebanon Laundry & Dry Cleaners*, 81 N. L. R. B. 405.

86 N. L. R. B., No. 108.

2. The Petitioner is a labor organization claiming to represent employees of the Employer.

3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.<sup>2</sup>

4. All driver-salesmen employed by the Employer at its Memphis, Tennessee, plant, excluding office and clerical employees, professional employees, guards, and supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of 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, 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 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 Truck Drivers, Salesmen and Warehousemen, Local 667, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL.

<sup>2</sup> In its brief, the Employer contends that the petition should be dismissed because the Petitioner made no showing of representation on the record and because there was no proof of the Petitioner's compliance with the filing requirements of the Act. We have repeatedly decided that both these questions involve matters of administrative determination and are not subject to collateral attack. *Matter of Auburn Rubber Corporation*, 85 N. L. R. B. 545; *Matter of Mine Safety Appliances Company*, 85 N. L. R. B. 290.