

In the Matter of LIBERTY LAUNDRY COMPANY, INC. T/A YALE LAUNDRY  
and LAUNDRY WORKERS INTERNATIONAL UNION, A. F. L.

*Case No. 5-R-1891.—Decided July 10, 1945*

*Mr. Louis A. Speiss*, of Washington, D. C., for the Company.

*Mr.<sup>2</sup> Joseph A. Padway*, by *Mr. Robert A. Wilson*, of Washington, D. C.,  
for the Union.

*Mr. Bruce C. Heath*, of counsel to the Board

DECISION

AND

DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Laundry Workers International Union, A. F. L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Liberty Laundry Company, Inc., T/A Yale Laundry of Washington, D. C., herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Marvin Wahl, Trial Examiner. Said hearing was held at Washington, D. C., on May 12, 1945. The Company and the Union<sup>1</sup> 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 Liberty Laundry Company, Inc., T/A Yale Laundry, is a District of Columbia corporation. The Company is engaged in a general laundry and dry cleaning business in the District. In its operations the Company

<sup>1</sup> Cleaners and Laundry Workers Union, C I O was served with notice of hearing but did not appear.

carries on both a wholesale and retail laundry service. The Company maintains a plant and several branch retail stores within the District, where clothing and laundry are received which are processed in the plant and returned to the customers. During the year 1944, the annual purchases of the Company amounted to approximately \$110,000, and during the same period, its annual gross sales approximated \$500,000.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

The Laundry Workers International 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 Union, by an undated letter, served notice on the Company in March 1945 that it represented substantial numbers of the Company's employees and requested a conference for the purpose of negotiating an agreement. The Company replied, through its attorney, by letter date March 21, 1945, suggesting a conference the following week. For some reason the conference did not materialize and the petition in the instant case was filed on March 30, 1945.

A statement of a Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.<sup>2</sup>

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 of all of the employees of the Company in its several departments, which include marking, washing, flat-work, assorting, shirts, press and hand ironing, miscellaneous production, dry cleaning, miscellaneous indirect, sales, and wholesale delivery department; but excluding office and clerical employees, branch store employees, the mechanic, firemen, engineer, engineer's assistant, retail delivery route salesmen, the office managers, route supervisors, and all other supervisory employees. The Company does not generally oppose such a unit but contends that it should also include the retail delivery route salesmen, since the Union has asked for the inclusion of the drivers in the wholesale delivery department.

The evidence reveals that the Company, under normal operations, em-

<sup>2</sup> The Field Examiner reported that the Union submitted 115 authorization cards, that the names of 102 persons appearing on the cards were listed on the Company's pay roll of April 7, 1945, which contained the names of 174 employees in the appropriate unit, and that the cards were dated between October 1944 and February 1945.

employs three drivers and five helpers in the wholesale delivery department. Two of the drivers operate 2½ ton trucks and are assisted by helpers. The drivers pick up soiled articles and linens at hotels and clubs and carry them to the plant and deliver them after they have been laundered. Most of the customers of the wholesale laundry department are credit customers and the drivers make no collections; however, some of the smaller customers of this department pay cash and the drivers make these collections. The drivers and helpers handle large, heavy bundles. The third driver works as a dispatcher in the wholesale flat-work department preparing articles for the next delivery. All of the employees of this department are under the supervision of the assistant superintendent. The drivers are paid a fixed salary and they have the same hours and working conditions as the plant employees.

The retail delivery route salesmen each drives a three-quarter ton truck and they do nothing but outside work. They have no helpers. They pick up and deliver laundry and dry cleaning for residential customers. They are required to make collections and account for the money so collected. Each has a running account on the Company's books, and has on deposit \$100 to cover any shortages. These drivers receive a commission of 14 percent of their gross sales with a guaranteed minimum, and in their spare time they are expected to sell laundry service and secure new customers. The hours of employment vary among the several drivers, depending upon when they can find their customers at home. They also have power to investigate and adjust complaints and claims when they think that it would further their own interests. Their weekly average earnings are considerably higher than the wages of the drivers in the wholesale delivery department; also they are under different supervision.<sup>3</sup> There is no interchange of drivers between the wholesale delivery department and the retail route salesman. Thus, it appears that the terms, hours of employment, and working conditions of the wholesale drivers are considerably different from those of the retail drivers. The responsibilities of the retail drivers are greater and their success depends upon their personal contacts. It is evident that the retail drivers are essentially salesmen while the wholesale drivers are closely integrated with the Company's plant operations, and allied in interest with the inside plant employees. We shall include the drivers in the wholesale delivery department and exclude the retail delivery route salesmen.<sup>4</sup>

We find that all the employees of the Company, including those in the marking, washing, flat-work, assorting, shirts, press and hand ironing, miscellaneous production, dry cleaning, miscellaneous indirect, sales,<sup>5</sup> and

<sup>3</sup> Their immediate superiors are the route supervisors.

<sup>4</sup> See *Matter of Manhattan Company*, 53 N. L. R. B. 1339; *Matter of Elite Laundry Co., Inc.*, 53 N. L. R. B. 1212.

<sup>5</sup> There are four employees in the sales department at the plant. They do not actually sell the Company's service, but prepare delivery lists, assist in assorting bundles, search for lost articles, etc.

wholesale delivery departments, but excluding office and clerical employees, branch store employees, the mechanic, firemen, engineer, engineer's assistants, retail delivery route salesmen, route supervisors, office manager, and all other 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 Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Liberty Laundry Company, Inc., T/A Yale Laundry, of the District of Columbia, 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 Fifth 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 the 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, to determine whether or not they desire to be represented by Laundry Workers International Union, A. F. L., for the purposes of collective bargaining.

CHAIRMAN HERZOG took no part in the consideration of the above Decision and Direction of Election.