

In the Matter of HYDE PARK COOPERATIVE SOCIETY, INC., EMPLOYER
and RETAIL, WHOLESALE & DEPARTMENT STORE UNION, LOCAL 239,
CIO and RETAIL CLERKS INTERNATIONAL ASSOCIATION, LOCAL 1550,
AFL

Case No. 13-RE-46.—Decided May 23, 1947

Mr. Isaiah S. Dorfman, of Chicago, Ill., for the Employer.

Messrs. Francis Heisler and Julius Echeles, of Chicago, Ill., for the
C. I. O.

Messrs. S. G. Lippman and Victor Reysa, of Chicago, Ill., for the
A. F. L.

Mr. Lloyd S. Greenidge, of counsel to the Board.

DECISION

AND

ORDER

Upon a petition duly filed, hearing in this case was held at Chicago, Illinois, on March 6, 1947, before Robert E. Ackerberg, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Hyde Park Cooperative Society, Inc., herein called the Employer, is a non-stock, non-profit association organized under the Cooperative Association Act of the District of Columbia. The Employer has its principal office and only place of business in Chicago, Illinois, where it operates two retail stores, one a food store selling meats, groceries, and produce, and the other an appliance store selling electrical appliances. During the fiscal year ending July 31, 1946, the Employer's sales amounted to approximately \$360,000, all of which were made within the State of Illinois. During this same period, the Employer obtained all but 1.4 percent of its merchandise within the State; approximately 70 percent of this merchandise was manufactured outside the State.

The Employer together with approximately 110 similar retail cooperatives located in the States of Illinois, Indiana, Ohio, and Michigan, own and operate the Central States Cooperative, Inc., herein called Central, a non-profit association, organized in the District of Columbia under the Cooperative Association Act. Central has its principal offices and warehouse in Chicago, Illinois. Its Board of Directors is composed of persons elected directly by the local cooperatives. One of the directors is a member of the Employer's organization. The Employer is the second largest stockholder in Central, owning about 13 percent of all the stock. The largest stockholder owns about 18 percent.

Central was organized to coordinate the purchasing and other activities of its member consumer cooperatives. It purchases groceries, vegetables, fresh fruit, canned goods, appliances, and automobile supplies at wholesale for sale primarily to its members. Approximately 95 percent of all purchases are made for members, the balance for non-members. During the year ending July 31, 1946, Central purchased merchandise valued at more than \$794,000, of which 50 percent represented merchandise purchased outside the State of Illinois. Approximately 10 percent of such purchases was for the account of the Employer. The Employer purchases from one-quarter to one-third of all its merchandise from Central.

The Employer asserts that the Board has jurisdiction over its employees.¹ However, aside from the issue of whether the Employer's operations affect commerce within the meaning of the Act, we are of the opinion that it will not effectuate the policies of the Act to assert jurisdiction in this case. Accordingly, we shall dismiss the petition.

ORDER

IT IS HEREBY ORDERED that the petition for investigation and certification of representatives of employees of Hyde Park Cooperative Society Inc., Chicago, Illinois, filed herein by Hyde Park Cooperative Society Inc., be, and it hereby is, dismissed.

MR. JOHN M. HOUSTON took no part in the consideration of the above Decision and Order.

¹ Local 239 (CIO) contended that the Board has jurisdiction herein. Local 1550 (AFL) raised the question of the Board's jurisdiction although it did not specifically deny that the Board has jurisdiction.